

Mr. WALSH of Massachusetts. Mr. President—
Mr. UNDERWOOD. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. How can there be any time fixed to vote on this bill when the committee have not completed their work yet? The committee are meeting every morning and changing amendments and changing this bill. How can we fix a time until the committee finally finish their work on the bill?

Mr. UNDERWOOD. The Senator is clearly correct. The chairman of the committee has repeatedly stated to us on the floor that from day to day the committee are meeting and proposing new amendments and changing the proposals in the bill, and yet it is proposed by this rule to say to your own committee at 12 o'clock noon on Friday next they shall labor no more and shall not give the bill further consideration, because any proposals of theirs can not thereafter be considered.

Mr. LENROOT. Mr. President, may I ask the Senator another question?

Mr. UNDERWOOD. Certainly.

Mr. LENROOT. The Senator states that he hopes the bill can be passed by August. If that be true, it will only be because debate is limited by action of the Senate or by the voluntary action of Senators. Does the Senator believe that Senators upon his side of the aisle are now willing to curtail debate voluntarily?

Mr. UNDERWOOD. I can not speak for anyone but myself, and I do say that I hope debate on items which are not of great importance can be curtailed to an extent so that we can get through by that time. I think it is necessary for us to reach a conclusion, and yet, with the great schedules of wool and cotton and sundries, which carry taxation into every home in America, yet undisposed of, I do not want anyone to think for a moment that those schedules should be passed without reasonable consideration and fair debate. But I think that it can be done. If the Senators look at it from my viewpoint I am sure that it can be done. I may make one or two other speeches on the bill; but I am sure the time I take, if proportioned out to other Senators on the floor, would not carry the passage of the bill beyond an early date in August.

I merely want to say that of course you have your rights. The rule is a part of the Senate procedure. If you can get a two-thirds majority you have a right to gag us, and you have a right to cut off amendments and cut off debate and throw this misshapen piece of legislation into the face of the country, but I say you will make a very serious mistake if you do so.

Mr. McCUMBER. Mr. President, I move that the Senate take a recess until to-morrow morning at 11 o'clock.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum. I withdraw the request for the present. There are just a few hours during which the rule can be discussed.

Mr. McCUMBER. It can be discussed all day to-morrow.

Mr. HARRISON. It ought to be discussed a little this afternoon. I have here a speech which the Senator made in 1918, in which he said he was against cloture and that an hour's debate was too little, and he argued against the rule at that time. I wanted to read it to refresh the memory of the Senator from North Dakota as to that speech. Will he withhold his motion until I can read a part of that speech to him?

Mr. McCUMBER. The Senator can do that to-morrow.

Mr. HARRISON. Very well; the Senator will do it to-morrow.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. McCUMBER. I yield for a question.

Mr. KING. I gave notice, or, rather, I voted for the almond paragraph and indicated at the time that I would move to reconsider the vote by which it was agreed to. I just want to submit the motion to reconsider and will take it up to-morrow.

Mr. McCUMBER. That can be done in the morning.

Mr. KING. To-day is my last day.

Mr. McCUMBER. No; it is not. We are still in the same legislative day.

Mr. KING. Very well. With that understanding I shall submit the motion to-morrow.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess, the recess being under the unanimous-consent agreement, until 11 o'clock to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 5 minutes p. m.), under the order previously made, took a recess until to-morrow, Thursday, July 6, 1922, at 11 o'clock a. m.

SENATE.

THURSDAY, July 6, 1922.

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

PAY OF SENATE PAGES.

Mr. CALDER. Mr. President, in the general appropriation bill passed each year we include a provision for the payment of the salaries of the employees of the Senate, but no provision was made in the last appropriation bill for the payment of salaries of pages of the Senate after July 1 of this year. To take care of the matter the Senator from Wyoming [Mr. WARREN], chairman of the Committee on Appropriations, introduced a resolution (S. Res. 313), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I am directed by that committee to report back the resolution favorably without amendment. The resolution provides for the payment of the 16 regular pages from now until the 1st of December, or during such days as the pages may be employed. I ask for its present consideration.

Mr. KING. Mr. President, may I inquire what is the purpose of the resolution?

Mr. CALDER. I will say to the Senator from Utah that in the passage of the regular appropriation bill which takes care of the pay of Senate employees the Senate neglected to provide for the payment of the pages of the Senate. No provision was made for any pay of the pages until the next regular session of the Senate. We are taking care of them through this resolution by providing for the payment of their salaries out of the contingent fund of the Senate.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the 16 pages borne on the session rolls of the Senate from July 1, 1922, to and including the last day of the month in which the second session of the Sixty-seventh Congress is adjourned sine die, at the rate of \$2.50 per day each.

ADDITIONAL SENATE PAGES.

Mr. CALDER. I report back favorably without amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate Resolution 314 to provide for the continuation of the five additional pages who have been carried on the pay roll for the last year and a half. I ask for the present consideration of the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Resolution No. 175, agreed to November 10, 1921, authorizing and directing the Sergeant at Arms of the Senate to employ five additional pages for the Senate Chamber at \$3 per day each from the 1st day of December, 1921, to the end of the second session of the Sixty-seventh Congress, to be paid from the miscellaneous items of the contingent fund of the Senate, be, and the same is hereby, amended to continue their employment to and including the last day of the month in which the second session of the Sixty-seventh Congress is adjourned sine die at the rate of \$2.50 per day each.

POLAR FLIGHT OF EDWIN FAIRFAX NAULTY.

Mr. ROBINSON. Mr. President, some months ago the importance of Wrangel Island as an air base for flight routes across the Arctic was brought to the attention of the Senate in connection with a controversy respecting the priority of rights by discovery and occupation respectively accruing to the United States and Great Britain. Mr. Edwin Fairfax Naulty, renowned for his investigations in scientific and practical aeronautics, then proclaimed the right of the United States to assert just priority by actual discovery and continued occupation. The importance of the controversy apparently was not fully realized at that time by our Department of State.

About one year ago Mr. Naulty formed and published a plan for a trans-Arctic, transpolar flight. This plan was definite in all its details and was illustrated on a chart supported by known observations of ice drifts, current flow, known directions, known shallows and depths, and other data. This chart was deposited in a Government bureau and no attempt was made by Mr. Naulty to maintain secrecy respecting his plans and purposes.

The Washington Post of August 2, 1921, the Pittsburgh Post-Dispatch of August 4, 1921, the New York Times of September 11, 1921, the Washington Herald of October 12, 1921, and other newspapers published last summer, contained editorials and comments respecting Mr. Naulty's plan for a polar flight. The editorial in the Pittsburgh Post of the date above mentioned points out in definite detail the route of Mr. Naulty's proposed flight and the difficulties probably to be encountered, especially

that pertaining to fuel, and the scientific value of such an aerial expedition if successful.

Mr. Naulty's expedition, which should have taken place about October, 1921, was postponed on account of adverse weather conditions until autumn of the present year.

In the meantime, several months after the formation and publication of Mr. Naulty's plan, Amundsen, in an effort to establish a claim for Norway to an airway across the Arctic from the Atlantic to the Pacific, apparently appropriated the Naulty idea and plan, and his 1921 expedition on behalf of Norway having failed, and the Naulty proposal having come to his knowledge, Amundsen sought to adopt it as his own and to procure the benefits of the same for himself and his Government. That the true facts may become known and be preserved, I ask leave to print in the RECORD a communication from Mr. Naulty accompanied by newspaper editorials and news articles which are believed to set forth the subject fairly and fully.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., July 4, 1922.

Hon. JOSEPH TAYLOR ROBINSON,

United States Senate, Washington, D. C.:

In addition to the facts set forth in the articles printed in the New York Times of August 2, 1921, September 11, 1921, and June 29, 1922, the Washington Post and Herald of August 2, 1921; the Washington Herald of October 13, 1921; and the Seattle Times of October 13 and October 23, 1921, permit me to transmit to you, with the request that it all be printed in the CONGRESSIONAL RECORD for the information of the people of the United States, as well as the Senate and House of Representatives, some additional facts in regard to my plans for a flight to the North Pole and across the Arctic, the Arctic itself and its strategic importance for short air routes from the Atlantic to the Pacific to the nations bordering on the Arctic, and particularly to the United States.

In conjunction with the Arctic the strategic value to the United States of the entire Alaskan coast, from Dixon Entrance to the north Pacific to the one hundred and forty-first meridian in the Arctic Ocean, should not be lost sight of nor should the value of the Aleutian Islands, the Pribilofs, or Seal Islands, St. Paul, St. Lawrence, and Diomedes Islands be overlooked.

Two foreign explorers, Vilhjalmur Stefansson, a Scandinavian, who now asserts that he is a British subject, and Roald Amundsen, a Norwegian, have taken, and are about to take, action that may result inimically to the interests of the United States. Their work is camouflaged under the name of "scientific exploration," but as I see it, and as the facts seem to prove, this is only a disguise for territorial exploitation and aggression. Were the work of these two men carried on from the countries of their birth or adoption but little objection might be made, but under the pretense of "science" all the obtainable facilities of various departments of the United States Government have been used to forward their plans at the expense of the United States.

Last July I discussed my plans for a trans-Arctic, transpolar flight with DAN SUTHERLAND, Delegate from Alaska, and from him then got much assistance. Later Mr. SUTHERLAND met Stefansson, and being a single-minded man, free from guile and with no thought of it in others, Mr. SUTHERLAND discussed my plans with Stefansson. This was in late August, 1921. In September, 1921, Stefansson hastily organized a party, as described in the articles that appeared in the New York Times in March, 1922, that were reprinted in the CONGRESSIONAL RECORD of March 25, 1922, and "took possession" of Wrangel Island for Great Britain. Stefansson had been under fire from Professors O'Neill and Anderson, of Canada, over the Karluk expedition of 1913-14, and one of them had definitely charged Stefansson with having "subordinated the interests of science to his own personal advantage" during the Karluk expedition, which was under Canadian auspices. In his exploit of "taking" Wrangel Island Stefansson perhaps saw a way of rehabilitating himself with Canada and Great Britain owing to the great value of Wrangel Island as an air base for flight routes across the Arctic.

Alaska and Siberia effectively close the air exit of Great Britain or Canada from the Atlantic, across the Arctic, to the Pacific, on the main littoral, so that Herald Island, a small granitic rock, unsuitable for an air base, and Wrangel Island, which is 70 miles long and 30 miles wide, assume intense strategic importance. To Herald Island Great Britain might lay fair claim by right of Kellett's discovery of it except for the implication of the northward extension of boundary lines of nations abutting on the Arctic, a claim for which northward extension Canada makes for all the territory lying between the 60th meridian west, and the 141st meridian west, running from the known lands therein to the North Pole.

The first announcement of Stefansson's exploit was given out while he was on a lecture tour of the United States and at Kansas City. As it appeared in the Evening Star of Washington, on November 11, 1921, it read:

"STEFANSSON'S HELPERS REACH WRANGEL ISLAND—MEN SENT BY EXPLORE TO ESTABLISH BASE NORTH OF SIBERIA REPORTED SAFE.

"KANSAS CITY, Mo., November 9.—Vilhjalmur Stefansson, Arctic explorer, announced here that a party he had sent from Nome, Alaska, to Wrangel Island, about 100 miles north of Siberia, to establish a base for what he said would be a huge British exploring party into the north, had arrived safely at its destination.

"In making the announcement Mr. Stefansson said the safe arrival of the party on Wrangel Island had made it possible for him to discuss some of the plans under consideration.

"There are six men in the Wrangel Island party, he explained, all of whom were picked for the expedition because of heroism or especial initiative shown on previous expeditions with him. The party left home secretly last September. 'I financed and sent the expedition into the north,' Mr. Stefansson said.

"The work of the six men will be confined entirely, he stated, to arranging the base for the big British party, which, he stated, will be formed in Canada or England in March.

"He said that a comprehensive announcement as to the purposes of the British expedition probably would be made in London as soon as the party had been organized."

Stefansson sent his "expedition" out in an American vessel, flying the American flag, the *Silver Wave*, of Nome, Alaska. He financed it with money obtained by lecturing in the United States, according to his own story in another publication; he coaxed three Americans to join the party under a Canadian leader, without explaining to them the object of his expedition, to take Wrangel Island for Great Britain. This was in September, 1921. The Stefansson party can not get out from Wrangel Island much before late July or August at the earliest this year, when we shall know surely if the Americans in Stefansson's party raised the American flag, as the captain of the *Silver Wave* said they did, when the Canadian raised the British flag over Wrangel Island on landing.

Great Britain is always alive to her interest, and so is Canada, and properly so; so it is not surprising to find the following dispatch printed in the Washington Post under date of May 13, 1922:

"Claims Wrangel Island—Canada plans to occupy land despite American priority.—Ottawa, Ont., May 13, 1922: The Canadian Government maintains that Wrangel Island is part of Canadian territory, the Canadian flag now flies over the island and an expedition is being prepared to go up there. This is the declaration of the Prime Minister, W. L. McKenzie King, when the House of Commons last night voted \$15,000 for patrol of the northern waters of Canada.

"C. P. Graham, minister of defense, said the amount was necessary to publish the report of the Stefansson expedition. Hugh Guthrie, former minister of militia, said there was no doubt that the United States would make claims to the island on the ground of previous discovery."

Forty degrees of longitude separate the western boundary of Canada from Wrangel Island and it is 11° of longitude west of the one hundred and sixty-ninth meridian which, in Bering Strait, divides Alaskan from Siberian territory. Wrangel Island is the air Gibraltar of the Arctic. The nation of Europe that controls Wrangel Island controls the North Pacific, the West Arctic, and Bering Sea and the air approaches thereto across the Arctic. Although seldom visitable by surface craft, due to the heavy ice, and then only in the months of August and September, Wrangel Island is approachable by air during 12 months in the year, and has ample level ground, level ice, and sheltered harbors for land plane and seaplane landing. By aircraft Wrangel Island at present speeds is only three-quarters of an hour's flight from North Cape, Siberia; three and a half hours' flight from Nome or Point Barrow, and five and a half hours from Demarkation Point, each of which is Canadian territory.

From an aircraft carrier stationed in the open sea near Spitzbergen, and irrespective of the control of Spitzbergen, Great Britain, over the most northerly course could send a fleet of seaplanes to the mouth of the Mackenzie River, in Yukon territory, northern Canada, in flights of three stages of six and a half, six, and four hours each, with many emergency landing places on the way. Adding the flight from Demarkation Point to this Great Britain could fly her seaplanes to Wrangel Island in 22 hours with four stops en route.

From Wrangel Island to the north end of Sakhalin Island, now controlled by Japan, is a less distance by air than from Wrangel to Demarkation Point; allowing five hours for the flight from Wrangel Island to Sakhalin Island, it brings England and Japan in touch by air, going either way, if the British Empire controls Wrangel Island, in 27 hours. This is actually developed speeds is easily made to-day, as the United States has a seagoing triplane making 163 miles an hour and Great Britain has a plane that has done 212 miles an hour.

The strategical importance of flight routes across the Arctic and of air bases therein that would permit short flights and assure fuel supply and of Wrangel Island as a western station, air base, and supply stop may be seen when it is realized that the flight distance across the Arctic from the Shetland Islands, in Great Britain, to the Kurile Isles of Japan is less than the surface steaming distance across the Pacific from Vancouver, Canada, to Yokohama, Japan.

If in his early interviews in relation to Wrangel Island Stefansson was brutally frank, even alleging indirectly that he raised the money for his Wrangel Island venture from his lectures and the sale of his books in the United States, thus not only using American ports but also American money for alien purposes, Roald Amundsen, the Norwegian, has been just the opposite. Personally and through his press agent, H. H. Hammer, in Seattle, he has misrepresented his plans constantly, and has done this particularly in relation to his abandonment of his original plans for a seven-year surface drift through the Arctic ice in the schooner *Maud* and the substitution of the Fairfax Naulty polar flight plans, appropriated by him in toto, even including the route from Point Barrow to North Cape, as if he did not have the originality to find another west to east route or wanted to block the American expedition.

Amundsen's reputation among men who are familiar with the situation may be known by citing some of his exploits. He hastily organized a ski-racing crew to beat Capt. Robert B. Scott, the English explorer, into the South Pole, and used the route previously blazed by the gallant Shackleton to do it. Out of this adventure came nothing of scientific interest or value. Amundsen permits his press agent to assert constantly that Amundsen is the discoverer of the North Magnetic Pole, and repetition of this claim has caused it to be accepted as fact by those who do not know that the Englishman Parry sailed north of it in 1819 and that it was definitely located by the Englishmen John and James Clarke Ross in 1831.

Amundsen allows it to be claimed for him that he is the first man to make the Northwest Passage. The Northwest Passage was made by Captain McClure, of the British ship *Investigator*, in 1851, and he and his entire crew made the passage from Bering Sea to Baffin Bay, part of the way by sledge, and were paid \$50,000 by England for the feat, and this 70 years ago. The two Rosses first, Franklin next, and a host of others searching for Franklin, made King William Land from the east, and Collinson first and a host of others since made Victoria Strait, west of King William Land, thus completing the southerly Northwest Passage. When Amundsen worked the *Gjoa* through the southerly Northwest Passage and into Beaufort Sea he "discovered" 11 American whalers wintering there calmly as a mere matter of whaling routine.

I challenged Amundsen in the columns of the Seattle Times of October 23, 1921, to produce any records of scientific worth made by him and made public that were new or original or covered previously unknown ground, excepting the short distance separating Shackleton's farthest south and the South Pole, a matter of three days' march, that Shackleton could have made with 20 pounds more food. He did not do so then, nor can he now.

Now, pursuing his old tactics of following in the tracks blazed out by others and of using their plans, Amundsen changes his ice drift plan for the *Maud* and his amended plan for short flights from the *Maud*

for a flight across the North Pole. In all the annals of exploration, though there has been much controversy over accomplishments, there is no case of a man, claiming to be a scientific explorer, who has appropriated the plans of another, as far as he knew them, used them to raise the financial backing denied him for his own plans, claimed the appropriated plans as his own, tried to hoodwink a friendly people who had extended him help in his dire need, used their territory as a base of operations for his secret plans for the benefit of his own country and against their interests and generally acted as a shrewd beech trader instead of according to the ethics of men like Franklin, Kane, Hall, Nares, Collinson, Nordenskjöld, Nansen, Peary, Scott, Shackleton, and other explorers of high standing.

Unless one has made a close study of the strategical importance of the short flight routes across the Arctic from the Atlantic to the Pacific and from the Pacific to the Atlantic, along the North American littoral, the European-Asian littoral, or across the North Pole, and the practicality of such flights for eight months of the year, it may seem as if any discussion over whether Nauty or Amundsen is the first proponent and route charter of trans-Arctic flight is of little moment to any one but themselves. It may seem as if it is of much less importance who accomplishes the Polar flight so it is "done and have it over with," but important air traffic rights are involved, rights as important to the United States as those involved in the Panama Canal.

Five nations are at interest in the matter. They are Norway, Denmark, Great Britain, the United States, and Russia.

Russia and the United States, in their own territory, control the entrance to the Pacific through Bering Sea to the Arctic.

Great Britain, through Canada, controls the easterly entrance to the Arctic from the Atlantic from Baffin Bay across the magnetic archipelago to the Middle Arctic as far as the one hundred and forty-first meridian, as well as a northerly route via Great Land, Heiberg Land, and Parry Islands.

Denmark, controlling Greenland and Iceland and Peary Land, north of Greenland, which was yielded to her by Secretary Lansing under the treaty for the cession of the Danish West India Islands in 1917, has closed the entire coast of Greenland and Peary Land to other nations and now divides control with Canada of the old "American Passage" between Greenland and Hall Land and Grinnell Land and Grant Land, and, with Cape Washington, at 83 degrees, 24 minutes north, has the highest north land and the land nearest the North Pole and controls the westerly approach from the Atlantic to the Arctic.

Norway controls the European coast from the Nahe to the North Sea, to the Tana Peninsula at the White Sea, all of which is ice free the year round and has an incompletely ratified mandate to Spitzbergen from the League of Nations.

Russia and Siberia control the rest of the north European coast and the north Asian coast from the White Sea to Bering Sea.

Peary took possession of the region surrounding the North Pole, as well as Peary Land, north of Greenland, for the United States. DeLong and Melville took possession of the DeLong Islands, and Wellman and Baldwin did the same with Graham Bell Land, a part of the Franz Joseph Archipelago.

Norway, having North Cape and Spitzbergen under her control, in combination with a generally ice-free native coast, is strategically situated in Europe as the eastern flight gateway to the Arctic, eastern from America, northwestern from Europe. Seaplanes can fly from the North Sea along the Norwegian coast to Hammerfest, Tromsø, or Gjesvaer Harbor, thence to Bear Island, thence to South Cape, Spitzbergen, thence to North Cape, Spitzbergen, where they are less than 6 hours' flight from the pole and 18 hours' flight from Bering Strait. If Amundsen can fly from Point Barrow, land on, and take possession of the land that exists north of Alaska without protest from the United States, Norway would then have an air route from the North Sea practically to Bering Sea.

In addition, if her claim to Axel Heiberg Land and Ringnes Islands is admitted by Great Britain, Norway would then have a closed air route from the North Sea practically to Bering Sea. It would be the shortest and most usable route, and of tremendous trading value to Norway, which does not forget that the United States paid Denmark \$25,000,000 for the Virgin Islands and threw in Peary Island through lack of knowledge of its value. The United States has never closed a land or sea route to any nation in peace times. Denmark has. So may Norway, as she has done with Spitzbergen. My flight plans did not contemplate the seizure and closing of flight lands in the Arctic, but their opening up.

No wonder, after Amundsen had time, from August 2, 1921, to October 12, 1921, with perhaps a suggestion from other sources, to digest my plans for a polar flight and a strategical use of them for his nation had fully penetrated, that Amundsen made a hurried trip to Norway and was there able to raise the financial means to anticipate our flight. Our plans, in their initiation, were scientific and not political; Amundsen's present plans are political and not scientific. The course of Amundsen may be "good business" and shrewd trading, and perhaps it is, but it is not based upon scientific ethics. What I object to in the entire Amundsen propaganda, with which the newspapers of the United States have been flooded for the last six months, is that his plans are camouflaged under the name of "scientific exploration," and that Amundsen, by misrepresentation of his objects, got for himself and his associates assistance from various officials of the United States as a "scientist" that would have been withheld from him by them in his true capacity of a territorial adventurer.

I am willing to go on record now that the Hydrographic Office of the Navy, the Coast and Geodetic Survey, the Geological Survey, the Weather Bureau, the Bureau of Standards, or any of the other bureaus whose heads have good-naturedly and courteously helped Amundsen and opened their facilities to him will never get a report from him of the slightest value. What he may find that is new he will keep for Norway. Amundsen has made Nome, Alaska, his base of operations for years. Four times he has sailed from it for the north. Has he transmitted yet a single observation of value from there? He will not even buy his fur clothing there, but deals for it at East Cape, Siberia.

I have kept a careful clipping watch on Amundsen since his first announcement of his intention to hire Norwegian aviators and take the land north of Alaska for King Haakon, of Norway. I will file with you later the entire series. Better than any words of mine they show how, from the first balloon d'essai, Amundsen grew bolder and bolder in his announcements as he met with no American opposition, finally deciding to fly across the American Continent to his ship at Seattle, but coming to grief and deserting his plane in western Pennsylvania. Amundsen's whole course has been one of misrepresentation. He tells one story in the United States and another in the London

Times of June 9. In the London Times, over his own signature, Amundsen asserts that a Capt. Godfred Hansen has established a depot for his use at Cape Columbia, which, Amundsen says, is in North Greenland. Cape Columbia is not in North Greenland but is the most northerly point of Grant Land. Amundsen says Hansen has "worked hard and shown great capacity." He certainly would have to establish, in the dead of winter, and an Arctic winter at that, a depot at Cape Columbia. Such an exploit would be well worth heralding. There are only three routes in on the surface. One by way of steaming or sailing around the northeast coast of Peary Land, which has never been done; one by way of an overland mush over the ice of Greenland, crossing the "American Passage" on the ice or over open water to Cape Columbia; one by way of Kane Basin, Kennedy Channel, Hall Basin, Robeson Channel, Lincoln Sea, and around Cape Sheridan. Any one of these exploits would have given Godfred Hansen a right to entry among the Arctic immortals. If Hansen flew in from Spitzbergen or Smith Sound that too would be a great feat. Small wonder when Amundsen was asked for details about this "depot" that it was announced from Christiania that he had changed his plans again and would not land at Cape Columbia. One of the late stories sent out by Amundsen's press agent from Seattle described Amundsen on the deck of the *Maud* starting for the icy north. Amundsen did not sail on the *Maud* but as a passenger on the passenger steamer *Victoria*. Of course, he had a perfect right to so sail but it was not truth to convey the impression deliberately that Amundsen had sailed in the *Maud*. Nor has there been much truth about any of the announcements of the man that the Seattle Times called the "much advertised explorer."

I have in my possession, as one of the many announcements made by Amundsen's press agent, an article under the date of August 1, 1921, in which Amundsen makes an appeal for books to be read in the long drift in the ice in the *Maud*. The full story of the polar flight plans of my son and myself were made public on August 2, 1921, after long previous preparation. Is it likely that Amundsen, if he had planned a polar flight, using the *Maud* as a base, at that time, would have sent out a weak story, like an appeal for books, if he had then worked out such an epochal enterprise as a 2,400-mile flight across the Arctic and the North Pole? Hardly. Amundsen and his press agent, and so far as I know, Amundsen is the only polar explorer ever to use a press agent, would have flooded the country with the account of their plans, as they did later when they realized what the Fairfax Nauty polar flight plan meant.

I have kept out of the limelight of publicity during the preliminary work, but there is not an official of importance in Washington whose duties or work would bring him in contact with any of the phases of the proposed flight who does not know that for over a year our polar flight plans have been constantly forwarded. One bureau of a department is the depository of 25 charts of the entire Arctic regions, prepared by my son and myself, which cover for the first time all the known data and the conclusions to be drawn therefrom on land, water, ice, wind, fog, rain, ice drift, Arctic Ocean currents, Arctic wind currents, probable lands, air routes, air bases, supply points, coal and oil deposits reduced to graphic form and digesting all the results of previous Arctic work from Hudson to Peary. This and other information with especial reference to Arctic flight routes was all prepared and filed long before Amundsen went to Norway to raise the funds there for his flight and, as I have reason to believe, claiming as his own idea the entire plans of the American flight.

Amundsen claims that the King of Norway is financing in part his expedition. I do not know that he is nor do I know what Amundsen told the King of Norway about polar flight plans, but I am to-day sending to the King of Norway photostatic copy of the original Fairfax Nauty polar flight plans as published, showing the date of publication of August 2, 1921, in order that he may have the facts in the matter before him. I am not doing this "through channels," but am sending it direct.

Amundsen's unethical conduct in regard to polar flight is not his first act that has caused criticism. His surreptitious exploit against Scott in the Antarctic is not forgotten by Englishmen nor, as a matter of fact, by scientific men everywhere. Scott spent years in preparation for real scientific results; his plans were world known; he took his time going in to the South Pole in order to obtain data of scientific value with proper instruments and by trained men. Amundsen hastily organized a ski-racing outfit and rushed it secretly over the route Shackleton had previously blazed out to within three days of the South Pole. It was a personal exploit for the glory of Amundsen, a much dimmed glory in the minds of men who know, and it added not one iota of value to scientific knowledge.

Amundsen went to Norway last winter to there raise funds for his plan of appropriation of the Fairfax Nauty polar flight. His ship, *Maud*, was then at Seattle being refitted at the yards of H. H. Hammer, who also acts as his press agent. If Amundsen had been honest in his polar plans, the clean thing for him to do would have been to make the flight westward from North Cape to Point Barrow, across the North Pole, if he could make it, thus taking departure from his own country and using Spitzbergen en route. Then it would have been a challenge to a race for the object sought, and little objection could have been made.

From Seattle to Point Barrow by surface ship is about 3,200 miles, short course. The ice clears out of Norton Sound, on which Nome is situated, between June 15 and July 1, and out of Kotzebue Sound about the first week in July, in favorable seasons. The Coast Guard cutter *Bear*, which under various commanders has made Point Barrow for 30 years, never attempts to make Point Barrow before August 1 on account of the ice conditions. The *Maud* left Seattle on June 1, and a month later was just about ready to clear from Nome with 700 miles of ice-clogged water to steam through before she could reach Point Barrow. The *Maud* could have made Hammerfest in the same time it will take her to make Point Barrow.

Amundsen is a Norwegian and must be familiar with the Norwegian coast. He knows that on account of the Gulf stream the Norway coast is free of ice the entire year. If Amundsen had meant to do the right thing, he could have taken the *Maud* from Seattle around the Panama Canal and to Hammerfest, Norway, with his airplanes on board and made his start from Hammerfest, Tromsø, or Gjesvaer Harbor, all in Norway, flown from any of these points to South Cape, Spitzbergen, up Wybe Jans Water to North Cape, Spitzbergen, and from there, or from the Seven Islands, or any other departure place in Spitzbergen, made his flight attempt on the North Pole, and no one could have criticized him. If he could not have made the pole in a nonstop flight, he could probably have made Cape Morris K. Jessup, Cape Washington, or even North East Foreland or Cape Bridgeman, and from there started his final flight to the North Pole. This is one of the 50 Arctic flight routes worked out by my son Leslie Fairfax Nauty.

and myself in the last five years, and were it not for the fact that we would be treading on others' territory we might have tried this route instead of the Point Barrow start from American territory.

Possibly, however, Denmark informed Amundsen, as the secretary of the Danish legation told me last summer, that Denmark had closed all of Greenland to foreign nations and would not look with favor on an attempt to use any part of Peary Land, yielded to Denmark by the United States by Secretary Lansing under the treaty for the cession of the Danish West India Islands in 1917, as a base for American or other nations' Arctic operations.

If Amundsen says that it is over 9,000 miles to take the *Maud* from Seattle to Hammerfest through the Panama Canal, I answer that it would be clear steaming all the way, with no blockading ice to buck, as in Kotzebue Sound, Bering Strait, and the Arctic to Point Barrow. We intended to fly from Nome to Point Barrow, not to use a surface ship. If Amundsen had made the polar-flight attempt from Norway and sent the *Maud* to Point Barrow as an arrival station, there still would have been no conflict. But Amundsen, using Norwegian outfitting, an alien surface ship, a German plane with a Bavarian motor, an English pilot just retained instead of the discredited Omdal, the Norwegian pilot brought over with such a hurrah, uses Seattle, Nome, and Point Barrow, American territory, as bases, for what purpose? Solely, I think, to block the American flight expedition, if possible, and to seize for Norway the land that all Arctic explorers think exists north of Alaska and between it and the North Pole before Americans can take physical possession of it and complete the American chain of title to Arctic lands north of Alaska now existing under the terms of the Alaskan cession negotiated by Secretary of State Seward with Russia in 1867.

A motive for this attempted seizure may be assumed from the fact that although Norway controls the western European approach to the Arctic by land from the Nahe, in the North Sea, to Tana Peninsula, in Barents Sea, north of Europe, and has an unratified mandate from the League of Nations, acquired in only by Holland and Denmark, to Spitzbergen, and a conflict over claims to Bear Island with Russia, south of Spitzbergen, Norway has no western outlet from the Arctic to Bering Sea and the Pacific. The taking of the land north of Alaska, or any land between Peary's north polar region, which Peary claimed for the United States by right of discovery, would give Norway a flight route across the Arctic, under complete control by her, of 3,000 miles from the north Atlantic to Bering Sea and the north Pacific, as against a sea-surface route via the Panama Canal of 9,000 miles.

Such a flight route with the present and coming development of aircraft, would have great trading value for actual use or for a sale to other nations for Norway. It is not much wonder that Amundsen was able to finance my flight plans in Norway.

To show the thoroughness of our preliminary work on the polar flight and of our consideration of Arctic lands my son and I have worked out a chart on a series of what might be called intersections of 5° projections, supported by known observations of ice drift, current flow, wind direction, known shallows and deeps, and other data, and have recorded thereon areas within the compass of which land will probably be found. This chart is on deposit in a bureau of a Government department with a date of record.

If I have avoided publicity notoriety in my preliminary work, I have not worked in secret, as during the progress of my plans, mostly in 1921, I have laid them before and discussed them with Secretary of the Interior Fall; Assistant Secretary of the Navy Roosevelt; Admiral Robison; Admiral Smith; Captains Bryant, Cole, Watt, Bostwick; Commanders Hooper, Farwell, Puleston, Asserson; Lieutenants Brayton and R. L. Lerch, of the United States Navy; Brig. Gen. William Mitchell; Lieut. Col. H. E. Hartney; Capt. St. Claire Street; Lieut. C. E. Crumrine; Captain Wright, Air Service, Army; Assistant Director Smith and Geologist Brooks, Geological Survey; Col. E. Lester Jones; Captains Patton, Giacomini; Major Bowie, Coast and Geodetic Survey; G. W. Lewis, executive engineer, National Advisory Committee for Aeronautics; Commandant W. E. Reynolds; Captains Hamlet, Henderson, Bullard, Coast Guard; Admiral Benson and Mr. Robinson, United States Shipping Board; Colonel Curtis and Major Bender, Signal Corps; Senators Wadsworth, Fernald, Reed, Walsh of Massachusetts; Representatives Oldfield, Hicks, Bulwinkle. With a few exceptions all of these gentlemen were familiar with my polar-flight plans long before October 12, 1921, as my diary shows, when Amundsen made his first tentative announcement of a plan to use airplanes in conjunction with the ice drift of the *Maud*, which he has since enlarged to the complete appropriation of my known plans. I also made arrangements with Colonel Shaughnessy, Second Assistant Postmaster General, to establish a United States post-office station at the North Pole, and he arranged that I was to be made an air-mail pilot, so that letters I had arranged to take to Europe could be stamped "North Pole" officially when we made it.

Nor were these men the only ones I conferred with. Brig. Gen. D. L. Brainard, who with Lieutenant Lockwood as a member of the Greely Arctic party, discovered Cape Washington, Hazen Land, is a resident of Washington; so also is Admiral G. B. Harber, who made the wonderful journey across Russia and Siberia to bring back the bodies of the De Long party. I sought their advice on matters of equipment, and from them and from Admiral Benson, who made the voyage in the *Yankee* to Littleton Island; from Captain Hamlet, of the Coast Guard, who knows the north Alaskan coast as former commander of the *Bear*; Commandant Reynolds, of the Coast Guard, who planted the American flag on Wrangel Island, I sought and was cheerfully given the results of their experience in order to eliminate all mistakes of preparation possible. I have had the cooperation of Capt. St. Claire Street, in command of the New York-Nome-New York flight of 1920, and Lieut. C. E. Crumrine, a flier with the party, and many conferences with both over my plans in 1921.

I have communicated by letter and in person to the officials of the State Department, under whose purview the matter falls, full information concerning my polar-flight plans, the results expected to flow therefrom, and the effect on American rights in the Arctic of the exploits accomplished and proposed of Amundsen and Stefansson. Their game is not a new one. Peary discovered Independence Bay and Peary Channel, dividing Peary and Hazen Lands from north Greenland, thus proving that that territory, from Nares Land—so named by the American Brainard in compliment to the Englishman and not by any member of the Nares party—on Lincoln Sea to Cape Wyckoff on Spitzbergen Sea, an island separate from north Greenland. Peary traversed this route in 1890 and again in 1893-1895, and explored it with true Peary thoroughness. If Hazen and Peary Lands combined formed an island which was separated from north Greenland by a channel running from Lincoln Sea, so named by Hall, on the west, to Peary's Independence

Bay, opening on the east to Spitzbergen Sea, this island, which Peary took possession of for the United States, would conflict with Denmark's nebulous claim to sovereignty to the "whole of Greenland," although the entire region was opened up and explored by Americans from Kane, Hayes, Morton, Hall, Greely, Lockwood, Brainard, and Peary. So Peary's discoveries were attacked by Koch and other Danes, and as a part of their plan political pressure was brought on the Hydrographic Office to withdraw a chart which bore a photograph of Peary with the American flag planted on Cape Morris K. Jessup and to alter its Arctic chart so Peary Channel would not be shown thereon as dividing Peary Land from north Greenland.

Peary Land now possesses great strategic value in flight crossings of the Arctic, going west from the Atlantic or east from the Pacific, and Denmark has closed this entire coast, under her claim of sovereignty, to all nations. It may be said that all of these matters are very much in the future and dependent for any value on the problematical operation of aircraft. So was the expansion of the United States to the westward when Washington was President and railroads were unknown, a matter of the future; so also was Duluth in Proctor Knott's day. We must look to the future and provide for it, if possible. "The people who have no vision perish."

Pardon the digression, and to return to the polar flight—

I have been told that I am to blame, and perhaps I am, for not hiring a press agent and keeping the project constantly before the American public. Methods like this are repugnant to a man of professional or scientific standing and difficult for me to adopt. But if little Norway has vision enough to back Amundsen, it would seem as if there are enough public-spirited men in the United States to put an American flight expedition in the air this summer.

We are taking nothing from Norway. The project of a polar flight is American in its initial conception. Back in 1912 Peary, as I have recently learned, suggested the use of airplanes, when they were sufficiently developed, for polar work, his idea being a crossing by air from Cape Columbia, Grant Land, to Cape Chelyuskin, Siberia, across the North Pole, a matter of 1,200 miles flight. It was impossible then, but is easily accomplished now.

If a dispatch printed in Washington last week is authentic, Norway is to send another flight expedition from North Cape to Point Barrow to cross the route Amundsen hopes to fly, but flying west instead of east. Maj. Trygve Gran is reported to head this flight. Norway has no plane of her own built capable of a nonstop flight for the distance, so this is to be taken cum grano salis, if I may be permitted a bad Latin pun.

I am responsible to no one but God, my countrymen, and my conscience, and have no commercial motives in my proposed flight. I had designed, and it is a matter of Government record, an all-metal monoplane for the purpose of the Arctic flight, but to avoid any charge of commercialism I had decided to use instead Navy designed and built seaplanes and noncommercial equipment throughout.

It may be well to restate the purposes of the Fairfax Nauty polar flight, as they were printed in the New York Times of August 2, 1921, two months before Stefansson sent in his scratch expedition to seize Wrangel Island as an air base for Great Britain and three months before Amundsen gave out a word about a polar flight. Under the heading "Purposes of expedition" the announcement read:

"By the first polar air expedition we hope to accomplish these results: To positively demonstrate the practicality of the air route to and across the North Pole; to observe and photograph the North Pole and trans-Arctic regions; to study Arctic Ocean and air currents; to make observations of magnetic variation, inclination, and dip between the magnetic pole and the geographical pole; to observe north polar vortical [note vortical, not vertical] air movements; to obtain data of aurora borealis and northerly extension of zodiacal light; to obtain spectrum records by a new and simple means of circumpolar stars from full north; to determine the seasonal height of the congelation sphere [the freezing height] of the atmosphere from west to east across the Arctic; to open a route for later scientific expeditions; and, if possible, to gain for the United States the credit of the first northeast passage by air."

I challenge Amundsen or any other man to produce in print or show a dated record of any such plan for polar flight as herein outlined as broad in scope of scientific purpose, or as operatively worked out, which antedates this publication of my Arctic flight plans in the New York Times on August 2, 1921. I also announced in the same article that we had arranged for a relief expedition, if we needed rescue, via the east coast. Where are Amundsen's relief plans? Is he relying, as other foreign explorers in the region have, on the United States Coast Guard cutter *Bear* to help him out and bring him back to civilization in case his Norway-financed expedition to seize American territory comes to grief?

The theatrical announcement was made from Nome in Amundsen's behalf that it is "success or death." Very dramatic, or very press-agenty, but not very edifying to the commander and crew of the *Bear* who may have to do the work of rescue. I arranged for a relief party by airplane with my original plans and as a part of them, and even devised a new type of portable, knockdown antennae for use on airplanes for long-distance radio communication, so our rescue party would have our last known position to head for in the event of failure on our part. In all the flood of his press agent's work, work for which Hammer announced that he had been knighted by the King of Norway, Amundsen has not made public a single working plan that is not covered in my first announcement. I have kept my plans to myself since last October to avoid furnishing Amundsen further ideas for appropriation. The plain facts are that Amundsen has appropriated the entire American Fairfax Nauty polar flight plans outright, so far as he knew them, and substituted them for his original surface drift through the ice across the Arctic in the *Maud*, which he has often announced would take seven years.

An idea is property. An idea is just as much property as a piece of real estate or personality, and it is so regarded in the high ethics of professional and scientific circles. Often the only reward of the originator is to have the satisfaction of reducing his theory to accomplished fact. It has been well said that the people who have no vision perish, and ideas have a spiritual and psychical value to the race, an individual of which produces them, far beyond any material rewards that may flow from them. If imitators, unrebuked, may steal ideas and claim them as their own, original thought is penalized and a premium is put on intellectual theft. Postponement of a plan is not abandonment of it. My original plan was for a flight in 1922. It was advanced to September or October, 1921, because of unusually favorable weather conditions that came unexpectedly to pass.

A long course of preparation is necessary to execute a successful Arctic flight. This takes time and work and no right is canceled because of postponement. England did not try to rush in and beat the

Navy N. C.'s trans-Atlantic flight. When Lieutenant Porte—the Englishman—proposed a trans-Atlantic flight in the Curtiss plane *America* Americans did not rush in to beat him to it, and it was not until Porte definitely announced that he had abandoned his proposed flight that the United States Navy took up the question of a trans-Atlantic flight, and then it chose a different route from Porte's. I had planned a trans-Atlantic flight, and the records of it are on file in Washington, via Newfoundland, Labrador, Greenland, Iceland, Faroe Islands, Shetlands, and Scotland to London, choosing this route as aircraft of that time were not capable of a nonstop trans-Atlantic flight, but gave it up in order not to come in conflict with Porte.

Spain did not try to get ahead of Portugal in the recent flight from Europe to Brazil; France did not try to beat the Rosses in their England-Australia flight. The nonstop trans-Atlantic flight from Newfoundland to Ireland, won by Alcock and Brown, was a challenge flight for a prize in money and open to all entrants. When Shackleton came to the United States in January, 1921, for the purpose of looking over the chances of a flight from the MacKenzie Delta across Beaufort Sea, and I saw him in New York and told him of my Arctic flight plans at a meeting with him at the Waldorf-Astoria in New York, he gave up his tentative idea when he found it was anticipated, and that gallant explorer said he would "chuck the Arctic and go back to his own field, the Antarctic." Shackleton even asked me if it would be "crossing my trail" if he used an airplane in the Antarctic. When G. S. Nares, in the *Alert* and *Discovery*, in 1875, pushed up the American Passage opened by Kane and Hall, the Americans before him, he took with him a bronze tablet, made in London before his departure, to place on Hall's Arctic grave, on which was deeply engraved by Nares the tribute to Hall, "In whose footsteps we follow." It has been reserved for Amundsen to break the high ethics of exploration for the sake of personal notoriety, self-exploitation, and material profit.

Our plans are complete and we are ready to attempt a flight to the North Pole and if possible across the Arctic this summer or early autumn, and by another route, also recorded in full long before any previous announcement of it by others. We are now arranging to get the final backing from Americans who will put the all-American polar flight in the air. More is at stake in this polar flight than a contest between two men of different nationality, over priority rights. If Americans do not make this flight and are beaten to the goal by Europeans it will be a source of regret to the United States later when aviation comes into its own.

Yours very truly,

EDWIN FAIRFAX NAULTY.

[From the New York Times, Friday, June 30, 1922.]

CHARGES AMUNDSEN APPROPRIATED PLAN—E. F. NAULTY SAYS NORWEGIAN GOT IDEA FOR POLAR FLIGHT FROM HIS OWN PREPARATIONS—POSTPONED HIS ATTEMPT—CITING IMPORTANCE OF NATIONALITY, NAULTY SAYS AMUNDSEN WILL CHART NORWEGIAN AIR ROUTE.

(Special to the New York Times.)

WASHINGTON, June 29.—The allegation that Capt. Roald Amundsen, the Norwegian polar explorer, has appropriated American plans for a flight across the North Pole from Point Barrow to North Cape was made to-night in a prepared statement to the New York Times by Edwin Fairfax Naulty, of New York and Washington, a physicist, who has long been interested in polar exploration and aviation.

It is Naulty's contention that Amundsen has adopted the so-called Fairfax Naulty route and plans for a flight over the pole which were prepared by Naulty and his son, Leslie Fairfax Naulty, for use in connection with plans of their own for a trans-Arctic flight. These plans and the route were disclosed by Naulty in an exclusive interview he gave a Washington representative of the New York Times last year, and were printed in a Washington dispatch to the Times on August 2, 1921.

Naulty and his son had intended to start on their expedition for a transpolar flight in the fall of 1921, but called it off in the face of reports indicating that they would have met with adverse polar weather conditions. Naulty said to-night that he and his son plan to make their own transpolar flight this fall, but that he has refrained from talking about it for publication because he did not care to disclose scientific details for use by others.

"I challenge Amundsen or any representative of Amundsen's," said Naulty to-night, "to produce one line of print prior to August 2, 1921, to show that Amundsen had worked out before the publication of our plans in the New York Times any operative plan for transpolar or trans-Arctic flight. Amundsen claims that he bought a Farman plane in 1914 and learned to fly for the purpose of polar flight. Anyone who knows the limitations of a Farman bus of 1914 will smile at the thought of it making the 2,400 miles between Point Barrow and North Cape. In the Seattle Times of October, 1921, Amundsen said he learned to fly in 1914; in the London Times of June 9, 1922, he says he has had no experience as an airman.

SAYS EXPEDITION WAS BROKEN.

"The real facts are that in 1921 Amundsen was in Seattle with a broken expedition in which the public, even of Norway, had no interest. He read accounts of the Fairfax Naulty polar flight as proposed for that year, and when it was announced that the flight was postponed to 1922 he thought he would play the same game he did with Scott in the South Polar region. He is now at Nome, where he is in telegraphic communication, and he was challenged on the ethics of his course last year, so no advantage is being taken of him due to absence. Incidentally, Nome is a long way from the North Pole by ship or by plane.

"If Amundsen thinks he is putting anything over on the American people or the Department of State of the United States by his deliberate appropriation of the Fairfax Naulty route and plans for a flight across the North Pole from Point Barrow to North Cape via either Cape Columbia or Spitzbergen, he is doomed to the same disappointment that many Europeans have met in trying to 'let the United States in' for something.

"Amundsen stole a march on Captain Scott, the Englishman, when he rushed into the South Pole along Shackleton's old route on skis, merely to beat Scott to it, but his actions then and his record since are well known, and the Norwegian will learn in time, as others have learned, that America is not asleep.

"When Amundsen sailed as a passenger on the steamer *Victoria* out of Seattle in June and his press agent gave out a story that he was on the *Maud*, he thought no one had fathomed his carefully laid plans.

AN AIR ROUTE FOR NORWAY.

"Amundsen's sole motive in trying to make the transpolar flight is to establish a claim for Norway to an air route across the Arctic from the Atlantic to the Pacific, Norway controls the northwest Atlantic

coast from the Naze in the North Sea to the Tana Peninsula in Barents Sea. The League of Nations gave mandatory control of Spitzbergen to Norway. Norway claims territorial rights in Axel Heiberg Land and Adolf Ringes Land, which lie between Spitzbergen and Bering Sea.

"Now, if Norway could take possession of the 'unknown land' lying to the north of the Alaska north coast, she could control the air traffic of the future across the Arctic, since her airplanes could fly from North Cape to Spitzbergen, from Spitzbergen to Axel Heiberg Land, from there to Adolf Ringes Land, and from there to the south-westerly 'end' of the land which undoubtedly bounds Beaufort Sea on the north and lies between the Parry Islands and Bering Sea.

"To-day announcement is made that Norway is to send Maj. Trygve Gran on a flight expedition probably from Hammerfest, Norway, via Spitzbergen, to the North Pole and thence westerly, and that a race is on between Amundsen and Gran to make the North Pole and the trans-Arctic crossing by air. It may interest both Amundsen and Gran, who are in touch by radio with the world, that all the possible routes that either or both may fly are already charted in full detail and in the possession of a department in Washington. This same department also has a series of 25 carefully worked-out Arctic charts, prepared by my son and myself, which show all practical flight routes across the Arctic, with a mass of other data, the first ever prepared for any Government, so here again they are not 'putting anything over' on us.

"Amundsen used Seattle as his base for repairs and operations. He is now using Nome as a ship base and intends to make his attempt to fly from Point Barrow, if his announcements can be relied on. All these points are American territory. I wonder if Americans realize just what this means. Amundsen is not doing this for the United States; he is doing it for Norway. Americans who have had experience with Europe can readily see what would happen to an American if he attempted to use Norway as a base of operations for exploration of the Tana Peninsula for the benefit of the United States, with a view of making it an air base in the north of Europe.

ISSUE OF TERRITORIAL RIGHTS.

"I have referred to a Norwegian air route across the Arctic and have allowed Norway claim to Axel Heiberg Land and Adolf Ringes Land. But neither Canada nor Great Britain will be so generous. Great Britain realizes the value of the Arctic air route just as well as Norway. Though little attention was paid to it before, much attention has been centered on the Arctic air route since August 2, 1921. Canada claims her northern territory extends from a line dividing Peary Land from Grant Land to the North Pole and thence down the one hundred and forty-first meridian to the boundary between Alaska and Yukon Territory. Canada has definitely asserted this claim in a chart issued in 1904. Within this northerly angle is inclosed the entire magnetic archipelago from Grant Land to Banks Land and including Adolf Ringes Land, Axel Heiberg Land, and the land north of Prince Patrick Land and west of Ringes Land reported by Stefansson.

"Canada claims territorial rights to all the region within this angle extending to the North Pole and covering unknown as well as known lands. Not considering claims of the United States to part of this region by right of discovery and occupation, claims that have never been definitely abandoned or canceled, there still remains the claim to the North Pole region for the United States established by Peary in 1909. If Canada's claims to this entire angle be admitted tenable and with the exception of Grant Land and Grinnell Land, there can be no contest over Canada's rights, it would follow that the United States has undoubted territorial rights to the polar region north of Alaska and west of the one hundred and forty-first meridian extending to the boundary line between Alaska and Siberia.

"The Alaskan-Siberian boundary runs along the one hundred and sixty-ninth meridian at Bering Strait by definite agreement between Russia and the United States, and were there no other factors to be considered, adopting the Canadian claims as fact, the northerly boundaries of the United States would run from Demarkation Point due north to the North Pole, along the one hundred and forty-first meridian, thence south along the one hundred and sixty-ninth meridian to Bering Strait. This would include as American territory the probable 'Unknown Land' north of Alaska, which Amundsen said early this year he would claim for and name after the King of Norway.

"But United States rights to Arctic territory do not end with the one hundred and sixty-ninth meridian. West of it lies Wrangel Island and the De Long Islands, composed of Jeannette, Henrietta, and Bennett Islands. Wrangel Island is cut by the one hundred and eightieth meridian and lies due north of North Cape, Siberia. It was not discovered by the Russian after whom it is named, but was first seen by Captain Kellett, of the British Navy, from Herald Island in 1849, and reported by him on his return to England in 1853. Kellett did not take possession of Wrangel Island and made no claim to it, although he did land on Herald Island, named after his ship, H. B. M. *Herald*. In 1867, an open-water season in the Arctic, Captain Long, of the American bark *Nile*, whaling in those waters, coasted along the entire south shore of Wrangel Island, landed a boat's crew, took possession of it for the United States in 1867. It was Captain Long who gave the island the name of Wrangel Island. In 1881 Lieut. W. E. Reynolds, now commandant of the Coast Guard, then a junior officer on the United States revenue cutter *Corsican*, under Captain Hooper, landed at the head of a boat's crew, planted the American flag, and officially took possession of Wrangel Island for the United States. His act has never been disavowed by the United States and remains effective to-day.

STEFANSSON AND WRANGLER ISLAND.

"The recent exploit of Stefansson in taking possession of Wrangel Island for Great Britain through a party of three Americans, headed by a young Canadian, who were sent in on the steamer *Silver Wave* from Nome in September, 1921, has as little effect on the rights of the United States as did Stefansson's previous landing on Wrangel Island from the wrecked *Karluk* in 1914.

"West of Wrangel Island, along the seventy-fourth parallel and between the one hundred and fiftieth and one hundred and sixtieth meridian east, lies the De Long Island, discovered by the *Jeannette* party in 1881. There is no doubt whatever about these islands being American territory, as they were first discovered by the De Long party and have never been visited since. Wrangel Island and the De Long Islands would carry the American boundary from the one hundred and sixty-ninth meridian west across the one hundred and eightieth meridian and to the one hundred and fiftieth meridian east, giving a total sweep of 69° across the western Arctic and running to the North Pole. If rights of the United States be maintained and sustained, and the rights of Canada be maintained and sustained, it is difficult to see how Amundsen can claim any land or any rights for the King of Norway or the Norwegian Government in that region.

"A very interesting diplomatic situation has been developed by the advance made in aviation which on present day actual performances makes it possible for an airplane to fly from the North Atlantic to Bering Sea and thence to the North Pacific in a nonstop flight. The flight from Point Barrow to North Cape, across the North Pole, can be made in 24 hours, and the distance is less than 2,400 miles. The possession of air bases in the Arctic thus becomes of paramount importance to the nation whose territory adjoins the Arctic; that is, the United States, Great Britain through Canada, Denmark through Greenland, Norway through her own territory, Spitzbergen, on which Norway has a League of Nations mandate, and Russia.

"Without false modesty I claim for myself and my son, Leslie Fairfax Naulty, the credit of being the first to work out a definite, operative plan for transpolar flights and to make a special study of Arctic conditions with relation to flight."

TO ATTEMPT FLIGHT ACROSS NORTH POLE—EDWIN F. NAULTY ANNOUNCES PLANS FOR A 6,000-MILE TRIP OVER "TOP" OF THE EARTH—ONE PLANE AND FOUR MEN—STARTING IN SEPTEMBER FROM ALASKA, PARTY WILL TRY TO LAND AT POLE, THEN GO TO LONDON.

[Special to The New York Times.]

WASHINGTON, August 1.—Plans for an airplane flight over the North Pole from Alaska to Norway, to be attempted in September, were announced to-night by Edwin Fairfax Naulty of New York, a physicist who has long been interested in polar exploration and aviation.

Mr. Naulty stated that the plans call for the use of only one airplane and an expeditionary party of four, which would include himself and three experienced pilots, all ex-service fliers. They expect to cross the Arctic zone in 24 hours' actual flying time.

His son, Leslie Fairfax Naulty, who will be associated with him in the enterprise, is going to Europe to take care of plans for continuation of the flight from North Cape, via the Scandinavian capitals, to London.

The start of the important part of the flight from a scientific standpoint—the trans-Polar and trans-Atlantic flight—is to be made from Point Barrow, Alaska. Mr. Naulty announced, and the route to the pole will be, as far as flight conditions permit, along the Meridian of 155 west to the North Pole. The distance from Point Barrow to the pole is 1,200 nautical miles, and it is the plan that the first stop shall be made halfway between these two points.

SECOND STOP AT THE POLE.

The second stop is planned to be made at the North Pole, or as near to that point as there is a landing, for full observations, to determine position. Then, after overhaul and restowage, the route will run to Spitzbergen, where the third landing is planned to be made west of Andree Point, from which the ill-fated Andree some years ago started on his projected balloon voyage to the North Pole.

From Spitzbergen the fourth projected leg calls for a flight across Spitzbergen with a possible landing at Bear Island if conditions warrant, and thence to North Cape, Norway.

Mr. Naulty said that only one plane would be used for the flight. At first it was his plan to head a squadron of three ships, but difficulties of carrying on if one or more of the planes came to grief and the consequent necessity of carrying crews and adding their weight to the carried weight of the crew, stores, gas, and oil of the surviving plane determined the decision to make it a one-plane flight.

The complete route of the polar flight will be, according to Mr. Naulty's announcement, from Seattle to Ketchikan, Alaska; Ketchikan to Anchorage; Anchorage to Nome; Nome to Point Barrow, and thence across the polar regions to North Cape, Norway, and thence by taxi flights via Christiania and Stockholm to London. The Arctic flight proper, he explained, would start from Point Barrow. The journey from that point over the pole to Spitzbergen, a distance of 1,800 nautical miles, will be regarded as the transpolar flight. The trip from Point Barrow to North Cape, a distance of 2,400 nautical miles, will be regarded as the trans-Arctic flight.

TOTAL FLIGHT, 6,000 MILES.

As the distance from Ketchikan, Alaska, to Point Barrow is about 2,000 nautical miles, and from North Cape to London approximately 1,500 miles—with at least 100 miles spent in observation flying around the pole, provided the plans succeed—the total distance covered by the flight from Ketchikan to London would be 6,000 miles.

Mr. Naulty said he had been convinced by years of study of data of ocean, ice, and wind currents that land exists, in the form of an archipelago, isolated mountain peaks or a low range of "tailing-out" hills, in the region lying between 120 west and 135 east and 75 north and the pole, and that the plans for the projected polar flight are practicable. It had been his plan to undertake the flight next spring, he explained, but it has been moved up to late September on account of reports indicating unusually favorable Arctic conditions this year.

Mr. Naulty stated that he has been interested in polar exploration for 20 years and has discussed results with Shackleton, Bartlett, Flail, and other polar surface explorers. In aviation his scientific work in connection with aviation had been in investigation of kinetics and statics of the atmosphere. Most of his aviation work has been based on studies of air conditions, floatability, and motion.

DETAILS OF FLIGHT PLANS.

Mr. Naulty made this statement in announcing his plans to-night: "Land is indicated by the course of the North American polar current from the whaling grounds above Beaufort Sea until it reaches Grant Land and flows south through Robeson and Kennedy Channels into Kane Basin. This current is separate from the Bering current, flowing farther south across Beaufort Sea, through the magnetic archipelago, into Baffin Bay. On the Asian side there are two ocean currents. One, the tidal coastal current, flows 'west' starting from North Cape, Norway, thence across the mouth of the White Sea, south of Nova Zembla, north in the Kara Sea, across Cape Chelypskin and the Nordenskiöld Sea, thence west along the Siberian coast to Bering Strait. The other—and this is a very important indication of land in the unexplored region—develops north of the seventieth parallel, runs north of Wrangel Island, across the Arctic 'shallows' to De Long Islands, and continues in a sweep 'east' across the deeps recorded by the sounding of the *Fram* until north of Franz Joseph Land it swings over toward the Greenland east coast and becomes the Greenland current flowing south between Iceland and Greenland.

"Under certain circumstances the Siberian tidal current and the Bering current and the polar current of the American side of the North Pole might be considered as one circumpolar current, originating off the north coast of Norway and coursing around the entire Arctic Basin, but dividing into two streams as the current flows east and

south on the American side, its set being established by the sharp rotative motion of the Arctic basin, but it is more likely that the deflection of the polar current and the Wrangel and De Long current is caused by land in the region lying north of the seventh parallel and the North Pole.

AIR CURRENTS OF MORE INTEREST.

"Consideration of the action of the Arctic Basin currents first gave me the view that this land exists. I definitely recorded it in an Arctic Basin chart in 1917 and went on record then, but it is the course of the air currents that will be of more interest to us in the proposed trans-Arctic-North Pole flight.

"All the indications are that at an altitude of from 6,000 to 8,000 feet we shall find a strong 'easting' air current—that is, a definite current blowing more or less steadily from west to east below the North Pole at certain seasons and swinging north and south with the movement of the sun, like the lower latitude trade winds. Starting from Point Barrow this wind will be in our favor, as we shall have it on our tail in the flight across. If it is not found on the American side of the North Pole, it is pretty sure to be blowing on the Asian side. I expect to meet this as a beam wind at about 70° north, and by its direction there can determine whether we shall fly to the pole bearing in toward the one hundred and twentieth and nineteenth west meridians, or swing over toward the same meridians east—that is, toward the Asian coast.

"We plan to make our pioneer flight as speedily as possible and, strange as it may seem, to do it in late September. There are good reasons for the choice of this time rather than earlier. Our plan of the flight contemplates an air crew of four, with ground crews at start and finish.

"Our flight speed is estimated at 100 miles an hour, and to this, if wind favors, will be added the speed of the following air current I spoke of. The first jump will be from Point Barrow to the ice or land north of the seventieth parallel. We expect to find it at that point, but if not, and all goes well, we shall fly north until we do. At the first landing we shall restow and adjust for the hop to the North Pole. The distance from Point Barrow to the North Pole across the Arctic is 1,150 nautical miles up the one hundred and sixtieth west meridian. If we find land, it will halve this jump. If we do not, we shall be able to make the North Pole, or the region close to it, in a nonstop flight.

PLANS FOR POLAR OBSERVATION.

"Unless there is the fabled open sea surrounding the immediate region of the North Pole, we shall land as close as possible by observation and then take enough observations to determine the exact polar point. A complete set of observations—negative solar, as the sun will be below the horizon; positive, stellar, and lunar—will determine position, and then we shall check up by a quartering flight around a 25-mile radius of the pole.

"Forty-eight hours ought to enable us to do this, and then the flight south will begin. We expect to use stellar observations for course. We will have the advantage over the surface explorer on land or sea in that we can fly above the clouds and get a clear sky for observing our position—that is, unless the clouds are of unexpected and not probable thickness. Fog, of course, is our great enemy, but at the time of year we hope to be there fog is not likely.

"From land leave at the pole to land sight at Spitzbergen is a jump of 600 miles. Allowing for delaying winds, we ought to make this in 10 hours, but we hope to do it in 6. When we reach Spitzbergen, if we do, we shall have completed the North Pole flight, but to make the trans-Arctic flight we shall continue on to North Cape, Norway, probably landing at Bear Island, making two hops of the jump of 600 miles from Spitzbergen to North Cape.

"Landing conditions at the actual North Cape may force us to make a land rest near by, possibly at Hammerfest or east of the Cape. From North Cape we expect to fly south across Finland to the head of the Gulf of Bothnia, just north of which we shall cross the Arctic Circle and complete the trans-Arctic flight, *Deo volente*.

"The flight route continues along the Gulf of Bothnia to the Baltic and Stockholm. From Stockholm we plan to fly to Christiania, from Christiania to Copenhagen, from Copenhagen to Paris, and from Paris to London, where the expedition will end. Adventure is not the only incentive. In fact, the less adventure we have the better we shall like it.

PURPOSES OF EXPEDITION.

"By the first polar air expedition we hope to accomplish these results: To positively demonstrate the practicability of the air route to and across the North Pole; to observe and photograph the North Pole and trans-Arctic regions; to study Arctic Ocean and air currents; to make observations of magnetic variation, inclination, and dip between the magnetic pole and the geographical pole; to observe north polar vertical air movements; to obtain data of aurora borealis and northerly extension of zodiacal light; to obtain spectrum records, by a new and simple means, of circumpolar stars from full north; to determine the seasonal height of the congealation sphere of the atmosphere from west to east across the Arctic; to open a route for later scientific expeditions and, if possible, to gain for the United States the credit of the first northeast passage by air.

"If we fail to get through because of the limitations of our fuel supply, we have planned a relief expedition via the east coast. We shall have the best of wireless equipment, and we hope to be in constant touch with civilization by relay all the time we are north. We shall be able to 'listen in,' and we hope to be able to constantly make the northerly stations with our apparatus, and hope to announce the location of the North Pole by wireless from the pole itself. Beginning at Nome there is a chain of wireless stations of different governments all along the Arctic Basin, so that some one will pick up our messages and then relay them south. It is possible, owing to expected superior night sending, that we can extend the normal range of our wireless.

"Fuel is our great problem. We must take it with us, as there are no supply stations between Point Barrow and Spitzbergen. We shall have 50 flying hours' supply. If we can make 100 miles an hour flight, we shall get through in 24 hours' transverse flight from Point Barrow to North Cape and have a margin of safety in fuel supply for intratrip flight at the first landing and at the pole. If we do not make it, a relief will start from New York, fly to the mouth of the St. Lawrence, thence to the head of Labrador, thence to Disko Island, Greenland; thence to Etah, Washington Land; Cape Washington, or Cape Columbia, and thence north to our relief.

TO PHOTOGRAPH THE NEW LAND.

"But we are not thinking of relief so much as we are of getting through on the first trip. The flight from Seattle to Point Barrow will thoroughly test the flight qualities of the plane. If it is what

we have reason to expect, the plane will be well tuned up and the motors will have "found themselves" by that time. Further but not prolonged tests will be made at Point Barrow. We shall have ample gas there by our plan, and we shall not need to save until the final start.

"Even if we only make Spitzbergen, we shall have come through and, *Deo volente*, will have settled the question of land to the 'west' of the pole. Our instrumental observations will be continuous during flight and stops and, though the time seems short, we shall get enough to warrant consideration and at least to blaze the way. Photographs with telephoto lenses will enable us to get an initial record of distant objects, and we shall see the country down over far beyond the capacity of land or sea observation. We shall rely on still photographs rather than on motion pictures, as weight is an important factor in this flight, and impedimenta will be reduced to the least possible amount to allow for strength of structure of ship and fuel and oil supply. Later on, if we get through, there will be plenty of time for confirmation observations and flights.

"If the first flight is successful, it will be followed by others. The most important of these is to the location of the magnetic pole on Boothia Felix Peninsula to determine magnetic polar verticity. Amundsen years ago made a series of magnetic observations, but his train of compasses were not coordinated and the results obtained were not what he expected. The magnetic pole flight will be followed by an attempt to explore by air the Asian Arctic coast and littoral.

"The presence of oil, coal, copper, and other minerals and other surface indications seem to show that in prehistoric ages the present Arctic was equatorial or subtropical in temperature and condition; that in a way it bore the same relation to that past time as the Mediterranean does to historical times. Every nation on earth has the legend of the 'men from the north' as the founders of their civilizations. It is possible—mind, I say possible—that there may be the remains of such prehistoric civilizations buried under the ice, and perhaps occasionally exposed now, through melting (as mammoth remains have been found long preserved in ancient ice and finally brought to view). If an ancient civilization existed along the shores of the present Arctic, it is probable that large communities arose at tactical points, as in historic and modern times.

"On the Asian coast of the Arctic Talaun Bay the estuaries of the Rivers Kolima, Indigika, and Yana, and particularly the delta of the Lena, surprisingly like the Nile Delta, Katangba Bay, Cape Chelyuskin, Yenisei River, Breknovski Islands, at its mouth, Yenisei Gulf, Gulf of Ob, Kara Bay and Straits, Pechora Bay, Islands, and Pechora River, if free of ice, would present ideal conditions for settlement. Similarly, the archipelago lying between Greenland, Hudson Bay, and Beaufort Sea, on the North American side of the Arctic, would offer many sites for cities comparable to the ancient cities of the Mediterranean.

"For the exploration of these places the air offers a way that is far better than land or sea surface work. With fuel and oil bases first relayed in, a few years' work would accomplish more than generations of plodding and sailings have done. Aircraft have their limitations as well as surface craft or methods, but the limitations are not as severe. An ice pack impassable to a ship or that would take weary days for an explorer to mush across may be flown over in an hour. Altitude enables you at once to distinguish between ice, open water, and land, and gives topographical results incomparable.

"Cold? No more than we meet in summer flights to high altitudes. A recent flight for altitude over Paris reached a temperature of 60° below zero while on the street level in Paris the thermometer stood over 90 above. At 12,000 feet above Washington the mercury registered below freezing while the street heat stood at 90°, and the flyer passed from one extreme to the other in half an hour."

[From the Washington Post, Tuesday, August 2, 1921.]

FLIGHT OVER NORTH POLE TO MAP CURRENTS OF AIR—AVIATOR NAULTY OUTLINES PLANS FOR TRIP FROM ALASKA TO SPITZBERGEN AND POINT IN NORWAY NEXT MONTH—TAKING ADVANTAGE OF WARM WEATHER—OTHERS TO BE MADE.

[By the Associated Press.]

Plans for a transpolar flight in September from Point Barrow, Alaska, to Spitzbergen and the North Cape, Norway, were announced here yesterday by Edwin Fairfax Naulty, of New York. Scientific observation of ocean, air, and ice currents will be the chief purpose of the trip, he said, with the hope of establishing the feasibility of the new route for commerce as a secondary consideration.

As announced, the start will be made from Seattle with a convoy of several planes, which will proceed by easy stages up the Alaskan coast to Point Barrow, stopping at Ketchikan, Anchorage, and Nome.

ADVANCED BY WARM WEATHER.

The Arctic flight will be made by one plane, which has already been constructed, carrying four men, including Mr. Naulty. The other three are former service men, and it was said their names would be announced soon.

Originally, it was explained, it was the intention to make the flight next year, but reports of warm weather near the Arctic Circle had led to the advancing of the date.

"We plan to make the flight as early as possible," Mr. Naulty said, "and, strange as it may seem, to do it in late September. There are good reasons for the choice of this time. Our flight speed will be about 100 miles an hour, to which might be added the speed of a following air current."

FUEL IS CHIEF PROBLEM.

Fuel was conceded to be the chief problem of the proposed expedition. A supply ample for 50 hours of continuous flight will be carried, it was said, and those planning the attempt expressed the belief that this would furnish an excess which would permit short by-flights at the first landing place on the polar ice and at the pole itself. If no landing places are found, it is the intention to make the 1,150-mile hop without a stop.

If the first flight is successful, others will be undertaken at once, it was said, with a view to settling definitely the location of the magnetic pole and the determination of "magnetic polar verticity."

[From the Washington Herald, Tuesday, August 2.]

AIRMEN PLANNING FLIGHT OVER POLE NEXT SEPTEMBER—NAULTY EXPECTS TO START FROM POINT BARROW, ALASKA.

Flight over the North Pole by airplane is planned by Edwin Fairfax Naulty and his son, Leslie Fairfax Naulty, of New York.

The elder Naulty, who in 1916 completed the first all-metal airplane, is now in Washington completing plans for the proposed flight, which he intends to start from Point Barrow, Alaska, in September.

The prime objects of the flight will be to demonstrate the practicality of the northwest passage by air to and across the North Pole; to photograph the North Pole region, with the various phases of its animal life, and to obtain various other scientific data that could become available in no other way.

FIRST JUMP, 600 MILES.

"We expect to make 600 miles on the first hop and land at the eighteenth parallel," said Naulty last night. "If a landing is impracticable, we will continue north until it is. From the first stop the flight will be direct to the pole."

"Time enough for full observations will be spent at the pole, and then the flight will continue on to Spitzbergen, a landing being planned to the west of Andree Point, up on Northeast Island. From there the flight will go on to North Cape, Norway."

The flight over the Arctic Circle is but a small part of the long journey planned. In succession it is planned to touch at Stockholm, Christiania, Copenhagen, Paris, and London.

FOUR MEN IN PARTY.

Only one machine will be used and the expedition will consist of four men. Names of the others will be announced later, Naulty said.

"Fuel is our great problem," continued Naulty. "We must take it with us, and there are no gas tanks between Point Barrow and Spitzbergen. We shall have the best of wireless equipment and hope to be in constant touch with civilization by relay through high north stations all the time we are north. We hope to arrive at the North Pole by the most modern of means—the aircraft—and tell it by the most modern of communications—the radio."

"If we fail to get through, a relief expedition will come after us up the east coast, starting from New York, via Labrador, Disco Island, Cape Sabine, Cape Washington, and thence to the North Pole. But we are not thinking so much of relief as we are of 'getting through.'"

THROUGH A CLOSING DOOR.

"We will be slipping through a closing door, but I think we can make it. We'll carry gasoline supply for 50 flying hours. At 100 miles an hour, we can make it in actual flying time of 24 hours from Alaska to Norway. At 50 miles an hour, we'll just slip through."

"If the first polar flight is successful, it will be followed by others. The most important of those we have planned is the location of the magnetic pole and the full determination of the point of north magnetic polar verticity."

It is also hoped by subsequent flights, Naulty added, to solve the question whether the Arctic is the seat of a prehistoric civilization.

"If we should find evidences of ancient cities," he continued, "it would result in a later flight along the Asian coast."

"We do not know that we shall succeed—no man can know that—but we shall do our best to get through."

[Editorial from the Pittsburgh Post, August 4, 1921.]

TO THE NORTH POLE BY AIRPLANE.

As a sporting venture none of the various feats of aviation proposed from time to time surpasses in interest that which Edwin Fairfax Naulty, New York scientist, announces he will attempt next month. With three companions, all formerly military aviators, Naulty will try to reach the North Pole by airplane. He plans to fly from Seattle to Ketchikan, Alaska; from Ketchikan to Anchorage, Anchorage to Nome, Nome to Point Barrow, and thence across the Pole to North Cape, Norway; North Cape to Christiania, Christiania to Stockholm, and Stockholm to London—a total distance of more than 6,000 miles. It is an ambitious undertaking in all of its features, but that part of the journey which lies in the polar regions transcends all the rest, of course, in importance.

The venture involves great risk, but offers good chance of success. There is a question if landing places will be found in the land of eternal ice. It is 1,200 miles from Point Barrow to the pole, and 600 miles from the pole to Spitzbergen. Three stops are planned on that 1,800-mile leg of the journey. If it is impossible to find suitable places for descending, can the airplane cover the whole 1,800 miles without a stop? Capt. John Alcock and Lieut. Arthur W. Brown flew from St. Johns, Newfoundland, to Clifden, Ireland, a distance of 1,960 miles, without a stop in 16 hours and 12 minutes on June 14-15, 1919. Lieutenants Bossoutrot and Bernard remained in the air in an airplane continuously for 24 hours and 19 minutes at Etampes, France, on June 4, 1920. These records will give an idea of what a machine carrying two persons is capable of doing. Naulty's plane will carry four. It will have a speed of 100 miles an hour, but there is a question as to whether it will be able to carry all the gasoline that will be needed.

Notwithstanding the fuel difficulty, the expedition seems to give greater promise of success than the plan of other explorers to make a quick dash across the ice with sleds drawn by dogs.

The enterprise brings to mind the ill-fated expedition of Salomon August Andree, the Swedish explorer, who perished in an attempt to reach the pole from Spitzbergen in a balloon in July, 1897. Naulty will have a great advantage over Andree in that he not only will be able to steer his craft accurately but will be able, through wireless, to keep in touch with the world and guide rescue parties if he should require aid.

The expedition, if successful, should add considerable to our knowledge of the polar regions, since it will be possible to make observations, photographs, and maps from an airplane that will be superior in value to those made on the ground.

WINDS MAY DELAY POLAR AREA FLIGHT—WEATHER CONDITIONS LEAD FAIRFAX NAULTY TO CHANGE PROBABLE DATE TO OCTOBER—REPORTS OUTLOOK BRIGHT—EXPLORER CONFIDENT HE CAN REACH THE POLE IN ONE FLIGHT FROM POINT BARROW.

[Special to the New York Times.]

WASHINGTON, September 11.—Fairfax Naulty, who recently announced his intention to make an airplane flight to the North Pole and across the polar area to Norway, declared to-night that the sudden change in continental weather, extending from Trinidad to northern Canada and from the California coast east to the Mississippi, has not changed his plans for the North Pole trans-Arctic flight this autumn further than to advance the last probable day for the hop off from Point Barrow, Alaska, from the end of September to the end of October.

In Pittsburgh last Friday, said Mr. Naulty to-night on his return to Washington from that city, where he had been perfecting plans for the expedition, "I got, through Delegate DAN SUTHERLAND, of Alaska, a relayed radio from the captain of the U. S. revenue cutter *Bear* giving the weather conditions east of Point Barrow in the Arctic Ocean and in Beaufort Sea. The *Bear* has just made Nome from a cruise

as far as Demarcation Point, at the edge of Beaufort Sea, the farthest north and east that even that intrepid vessel ever made, and this report shows that all the heavy ice in the Arctic is offshore, that there is not much of it, that the weather has been unusually warm, and, best of all, that there was neither rain nor fog in August in the Arctic Ocean.

"If the expected condition of weather comes in October, we shall be able to make the flight from Point Barrow across the North Pole to North Cape, Norway, and have ample time for observations to insure that we have reached the pole in a week from the time we take the air for the flight.

"I have been conducting experiments with catalytic radio transmission in Pittsburgh, and feel that we can now be sure of a sending range of 2,700 miles by radio under fair conditions. We have cut our weight of the set so it weighs less than a member of the crew. With a dual set we shall be in hourly radio communication with the world. If we get into trouble, relief can and will be dispatched at once, and the rescue party will know just where we are, as we shall give our position every hour. We can easily reach Nome radio station, and may even be able to make the high power at Annapolis in night sending.

"At the North Pole we shall radio our observations and ask for any corrections from the Naval Observatory or Harvard University, and if we are in error that error can be corrected while we are at the pole. Our method will relieve our reports of any doubt as to accuracy.

"If all goes well we hope to start the polar flight from Washington, using a land chassis as far as Seattle. There we shall change the underbody to the special underbody I have devised for the Arctic, by means of which we can make a landing on ice or water. From Seattle we shall fly up the Alaskan coast to Anchorage, and from there cut across to Nome and on to Point Barrow.

"From Barrow the actual polar flight will start. We shall fly due north, and if we can make the North Pole in a single flight we will do so. From the pole we will fly to Spitzbergen, from there to North Cape and on to the head of the Gulf of Bothnia, where we again cross the Arctic Circle, which we cut just north of Nome. We shall fly down the Bothnian Gulf to the Baltic and to Stockholm, thence to Christiania, Copenhagen, Amsterdam, Brussels, Paris, and London. We expect to reach London on November 15.

"North to Point Barrow and south from North Cape we shall not have much difficulty about fuel. We shall carry 50 flight-hours fuel for the polar flight, and expect to go through on it. The rest of the way, on the proposed return flight to New York, via Scotland, Faroe Islands, Iceland, Greenland, Labrador, and Canada, even at Iceland and Cape Farewell, it will be easy to ship in a supply ahead of time."

[From the Washington Herald, October 13, 1921.]

DISTRICT AVIATOR SAYS AMUNDSEN STOLE HIS IDEA—CLAIMS HE ORIGINATED PLAN OF FLIGHT TO NORTH POLE.

"If the report from Seattle, issued October 12, 1921, credited to H. H. Hammer, representative of Roald Amundsen, that Amundsen has changed his plans and intends to attempt a flight by airplane to the North Pole is true, it seems to be a very unsportsmanlike thing to do in view of the announcement that I have organized and am preparing a trans-Polar flight," Fairfax Naulty, commander of the first Arctic air expedition, declared last night.

VIOLATION OF ETHICS.

"Ample publicity has been given to my plans and the fact that our party of four is to attempt the polar flight this autumn. Under such circumstances an attempt to anticipate our carefully planned work with a scratch flight hastily conceived is not in line with the very strict code of ethics that has hitherto governed all explorers, and particularly all pioneer work in the air.

"An idea is property just as definitely as a piece of real estate. It belongs by right to him who brought it into existence."

[From the Seattle Times, October 13, 1921.]

"WASHINGTON, D. C., October 12, 1921.—If the report from Seattle, printed to-day and credited to H. H. Hammer, business representative of Roald Amundsen, that Amundsen has changed his original plans for an Arctic drift in the *Maud* and intends to attempt a flight to the North Pole in two airplanes is true and Amundsen and not Hammer is responsible for the entire change of the original plans of the Norwegian explorer, it seems to me a very unsportsmanlike thing for Amundsen to do in view of the fact that I have organized and am hard at work on a trans-Polar, trans-Arctic flight, said Fairfax Naulty, commander of the first Arctic air expedition here to-night.

"Sufficient publicity has been given in advance to my plans and the fact that our party of four is to try for the North Pole from Point Barrow to North Cape, thence south to London and back, next year, to Washington via Scotland, Orkneys, Faroes, Iceland, Greenland, Labrador, and Canada to our starting place, the first air expedition starting this autumn from Washington and flying across the continent to Seattle and thence to Point Barrow, to make my plans well known to everybody. Under such circumstances an attempt to anticipate our carefully planned work with a scratch flight, hastily conceived, is not in line with the very strict code of ethics that has hitherto governed explorers and particularly applied to all pioneer work in the air.

"An idea is property, just as definitely property as a piece of real estate, a bank account, or an explorer's ship. It belongs by right of invention and original conception to him who brought it into being and hitherto it has been the rigid custom for all scientific and technical men of standing to respect, with the most scrupulous care, the right of others in their various lines of special endeavor. If science is to be brought to the level of competitive small trading and the tricks of copyists and imitators are to be introduced into a field that has been kept clear of such tactics professional courtesy has fallen into a low ethical state.

"I can not believe that Amundsen himself is responsible for the alleged announcement, and I look for a prompt disclaimer from him personally. The American public know, from published reports this summer, of our preparations that the Fairfax Naulty trans-Arctic, trans-Polar flight is an all-American expedition, and there has been no secrecy over my plans, which were published in full with the routes, objects, technique, and flight schedules all set forth. As scientific, technical, and operative sections here in Washington know, I have given the most minute personal attention to every feature of the flight from the preparation of condensed charts to photographic, navigating, radio, and magnetic gear, even to the extent of devising a new portable radio mast for airplanes to be used in wirelessly out our observations at the North Pole.

"There have been delays, but these have been due to my resolute decision to make and correct all mistakes in civilization and not in the wastes of the Arctic, where four men's lives depend on the thoroughness of my preparations and their practicality. I have been in constant consultation with men here who know the Arctic to the limits of its explored surface, have had the best of advice and cooperation on every necessary gear of structure, operation, and aviation, have had constant reports of temperature, wind force, rain, snow, and fog, ice and water conditions, air currents, magnetic and auroral state, and on every physical factor that could be checked up from past or current experience.

"We hoped earlier in the year to attempt the polar flight in late September but could not get away, and I alone am to be charged with the responsibility of the postponement, or any other postponements that may be required. I do not intend to expose the men who will risk their lives with me to any disaster through insufficient or hasty preparation or incomplete or insufficiently tested accessories. Although the prime object of the first transpolar flight is to make the northerly passage by air, across the North Pole from Alaska to Norway, and everything else will be subordinate to that object, still, if conditions permit, we expect to make and have the instruments to observe meteorological, geological, geodetical, magnetic, and astronomical phenomena, as well as to record permanently, by photography, the land, water, ice, and conditions of the region flown over.

"Amundsen started on his surface exploration of the Arctic with the *Maud* two years ago but because he has been delayed in getting into the Arctic by unpreventable obstacles and accident to his surface ship as well as crew trouble is no reason that anyone else would thereby have a right to duplicate his expedition because of Amundsen's delay in starting. Even if I am compelled to postpone until next spring or summer, as Providence has waited 6,000 years for man to think of and plan to execute the polar flight, surely others may possess their souls in patience for six months or so.

"I hope there will be no controversy over the polar flight. I seek none, but in justice to those who are interested in our success and to the men who are willing to risk their lives and all with me, and who have worked as hard as I and my son to make this American expedition a success, I must protest against an attempt from any quarter to anticipate our plans and to use the very confidence we have reposed in all by making our plans public to 'beat' us to our objective.

"Competition of such sort is not good sportsmanship; it is not good science, nor is it even decent, common courtesy. I am certain that Amundsen is misrepresented by his business manager, Hammer, and I sincerely hope he is. A prompt disclaimer from Amundsen will settle the whole matter. I do not claim a continuous monopoly on polar flight, but I do feel that I am entitled to be permitted to carry my plans to execution without the necessity of defending them by competitive haste to rush through what ought to receive the most careful workout. But if it does come to a question of speed in making the flight across the North Pole perhaps we shall show as much as another."

[Printed in Seattle Times, Sunday, October 23, 1921.]

Fairfax Naulty, commander of the first trans-Arctic, transpolar flight, replying to assertions made in telegrams sent him by Roald Amundsen and Hakon Hammer, which the Seattle Times published on October 18 but which were not received by Fairfax Naulty until October 20, said last night in Washington:

"I have been too busy with work on my North Pole flight equipment to give time to Amundsen, but in view of his attitude and that of his employee, Hammer, for whom Amundsen assumes responsibility, and of the attitude of other foreign visitors and foreign critics of America and American ideas and plans, I can not let the matter go without calling the public's attention to some facts of Arctic and Antarctic exploration.

"First, however, let us suppose that Fairfax Naulty had planned a drifting trip in a surface ship from Norway along the Asian coast to the westward and that he had got into trouble with his crew, smashed his ship, and limped into Hammerfest for help, which was given him, and then got his ship down to Trondhjem, Norway, for repairs, which were made for him. Finding that the people of Norway were courteous, helpful, and polite, but not wildly excited over the proposed drift, and casting about for a way to catch the public eye, Fairfax Naulty, learning that Amundsen had carefully planned an air expedition for scientific and technical purposes from North Cape to Point Barrow, that he was then at Christiania, the capital of Norway, working hard to get away, decided that he would also make a flight across the North Pole, that he would import two American aviators to fly, and that he then instructed an employee, not overly familiar with either Norway or aviation, to announce his plans? What would the people of Norway think of the American gall of Fairfax Naulty in trying to slip in ahead of Amundsen? Especially if Fairfax Naulty, an alien, were using Norway as a base of operations.

"Now let us suppose that a hired man of Fairfax Naulty's crew sent a telegram to Amundsen telling him that a statement of Amundsen's 'showed your lack of study of the situation, as my boss's expedition and yours can not be compared, as his is for the purpose of scientific work while yours apparently is an aeronautic experiment.' What would Amundsen be justified in thinking? What would the Norwegian people think? 'American brass, cheek, nerve, and impertinence.' I have simply reversed our positions in this supposition.

"Seriously, I am—and I think most other Americans are—getting a trifle weary of European patronizing. Amundsen claims his expedition is scientific, while mine is an experiment. I challenge Amundsen to produce one solitary, previously unknown scientific or technical result from any of his previous expeditions.

"The Northwest Passage by Amundsen in the *Gjoa* in 1903-1906? Parry, an Englishman, made it to 125 west longitude in 1819-20, going west. McClure, a Scotchman, made it in 1851-1853, crossing Parry's westing at Banks Land, going east. The Magnetic Pole? James C. Ross found it in 1831; Sir John Franklin died in sight of it in 1847.

"An outlet from Baffin Bay to the Arctic? Elisha Kent Kane, an American, found it in 1853, and Charles Francis Hall, another American, made it complete in 1870. The very names of the region, Lincoln Sea, Grant Land, Garfield Coast, United States Range, Greeley Ford, Washington Land, Cape Columbia, Cape Washington, Lincoln Sea, and McKinley Sea, all indicate who were the original discoverers of the region.

"A drift across the Polar Basin? Nansen made it in the *Fram* from the delta of the Lena to Spitzbergen in 1893-1896, when he reached 86° 14' north of the ninety-fifth east meridian. In 1881 De Long, in the *Jeannette*, made a 'westing' on the Asian side of the basin to the one hundred and fifty-third east meridian, and after the

Jeannette sank the expedition made the delta of the Lena. In the Swedish ship *Vega* Nordenskjöld, in 1878-79, made the Northwest Passage from Tromsø to Bering Strait along the coast of Europe and Asia, but even he had been anticipated in part by Leontief in 1770. Chelyuskin in 1741-42, Laptev in 1739-1741, and by the other Russian expeditions of Wrangell, Billings, Minin, and Lutke from 1738 to 1821. And if Spitzbergen is brought in, Henry Hudson sailed north of it in 1607.

"The Duke of the Abruzzi, Cagni, Zeigler-Baldwin, and Fiala also added to the world's actual knowledge of the Arctic, and there have been scores of other minor explorers in the region. Amundsen, in the *Gjoa*, wintered in 1905-6 on Beaufort Sea while making his 'Northwest Passage,' but that region had been mapped in 1890 by J. H. Turner, of the United States Coast and Geodetic Survey, so Amundsen was not in new territory, and Beechey, Franklin, Deaze and Simpson, Pullen, Hooper, Moore, McClure, McGuire, Collinson, Ray, Howard, Stoney, Stockton, Peters, Schrader, and General Funston had all been in the region during the years from 1826 to 1894.

"If Amundsen says soundings made in Beaufort Sea by him have novel value, I say that whaling captains have frequented the Beaufort since 1854; that they know the coast thoroughly from Barrow to Bathurst, and have all of them made a higher northing than he did, and that they know the 7-fathom line better than he does. Yet none of them would claim or be permitted to claim the name of scientist.

"The North Pole? Perry made it in 1909.

"The South Pole? The British still recall how Amundsen rushed in ahead of Scott, merely making a dash and presenting little scientific data on his emergence, while Scott, with the finest and best equipped polar expedition ever organized, starting ahead of Amundsen, knowing nothing of Amundsen's quickly organized venture, took careful observations, obtained accurate data, collected specimens, did genuinely useful scientific work, unaware that a rival was racing him to his objective merely for the sake of getting there first.

"I wonder if Amundsen recalls that Andree tried to fly to the North Pole and lost his life in the brave attempt in 1897; that Walter Wellman spent some years building a dirigible for the polar flight, and that both dates were long before 1914, when Hammer says he conceived the idea of flight to the pole in a Farman plane. Anyone who knows anything about aviation must smile at the idea of a Farman 'bus' of 1914, with a 60-80 horsepower motor, speed of 60 miles an hour, and flight radius of 50 miles nonstop, with luck, being used to make the flight to the North Pole.

"It might interest Amundsen to learn that at the trials at Fort Myer, near Washington, D. C., in 1909, a newspaper man talking to me about Wright's airplane said that an airplane would provide an ideal way to make the North Pole, and that he spoke of it to Wright, who agreed it might come in time.

"Hammer is mistaken when he assumes I gave no thought to the polar flight before 1914. I did not from August 6, 1914, until April, 1919, when the war and its aftermath occupied all the time of myself and son; but when our work was done we took up the project again. Being neutral during that time, Amundsen had time to think about many things.

"Of this Amundsen may be sure: I do not intend to let him beat me as he beat Scott. Nor do I intend to waste valuable time in controversy before the fact."

ADDRESS BY SENATOR ROBINSON.

Mr. KING. Mr. President, a question which has attracted considerable attention of late deals with the subject of the Cabinet officers having seats on the floor of the Senate and in the House of Representatives, and having the right to participate in debate, particularly if the debate should relate to questions arising in their respective departments. The subject has attracted a great deal of attention, and some newspapers have supported the proposition. The subject has received attention in a very able address delivered by the senior Senator from Arkansas [Mr. ROBINSON] at a meeting of the Maryland Bar Association, July 1, 1922. I ask unanimous consent that the address of the Senator from Arkansas may be printed in the Record in 8-point type.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

ADDRESS OF SENATOR ROBINSON AT ANNUAL BANQUET MARYLAND BAR ASSOCIATION, ATLANTIC CITY, JULY 1, 1922.

THE BUSINESS OF LEGISLATING.

Senator ROBINSON spoke as follows:

"It is at once an inspiring opportunity and a grave responsibility to live in the present and to bear even a humble relation to the events in progress throughout the world. The obligations now attending private citizenship in the United States are momentous. The responsibilities of public office are well-nigh overwhelming.

"The strain is not confined to the financial, industrial, and political systems of the Old World. It extends in less degree to our own. Lawlessness, particularly in the centers of industry and population, approaches anarchy. Frequent riots and mob violence are manifestations of local states of the public mind, betokening lack of confidence in the administration of justice and deep-seated resentment against constituted authority.

"It is not altogether surprising, nor yet entirely fair, that the unrest and vexation incident to postwar problems should find expression in bitter criticism of the Congress.

"Legislation erroneously is regarded by the masses as the remedy for every ill which afflicts the body politic. Consequently the continuance of disturbed conditions occasions bitter censure of the National Legislature for what is superficially deemed obstinate indifference to alleged essential reforms.

"Congress often is blamed by the public, ridiculed by editors and orators, and flayed in magazine articles for faults, some of which inhere in our political system, and for mistakes and failures attributable in part to causes beyond its control.

"This results from the comprehensive discretion vested in the legislative department and from the excessive employment, since the war, of propagandist methods for questionable purposes.

"A disinterested study of its recent proceedings will disclose that the Congress deserves only a part of the censure which public opinion directs against it for the prevailing restlessness and discontent, although it is undoubtedly following a faltering leadership whose strategy is to make mere successive advances and retirements over the same ground.

"The Congress, unlike the executive and judicial departments, primarily is concerned with questions of policy and naturally attracts the denunciation of agencies which reflect dissatisfaction and discontent.

"The wise executive and the upright judge by the nature of their duties are shielded against responsibility for mistakes in policy. It is always a complete defense for them to answer criticism with the declaration: 'Thus the law is written.'

"While legislative authority is necessarily discretionary, and therefore responsible for policies, its exercise is circumscribed by both natural and constitutional limitations.

"Many problems are so deeply rooted in human nature and in the instincts and customs of mankind that their complete solution can not be accomplished by the mere enactment of new laws. Indeed, experience proves that profound issues rarely are decided by direct and logical process, nor do they present distinct alternatives of choice and action. On the contrary, they usually appear clouded with confusion, enveloped in prejudice, and distorted by falsehood.

"The normal difficulties of the Congress, due to its broad discretion, have been augmented since the war by the pressure of propaganda.

"Every department of the Government is assailed by class influences deliberately organized and set in motion to secure selfish advantage. During the war the United States resorted to systematic stimulation of public opinion as the best means for securing support of its war policies and for counteracting German propaganda. The American people then learned the effectiveness of organized efforts to give form and expression to public opinion as a certain means of dominating governmental agencies. The result is that the Government is being administered through the influence of propaganda.

"The Senate and the House of Representatives no longer divide strictly along party lines. Frequently the alignment is according to blocs or groups organized for the promotion of special interest, as, for instance, finance, labor, and agriculture. The finance and labor groups have long been influential factors. The agricultural bloc is of recent origin, and is justified as indispensable to the protection of a large and deserving element whose situation renders compact organization difficult and who therefore are at the mercy of other interests which profit by oppressing farmers. The Congress under pressure from conflicting forces has manifested indecision, nevertheless in many instances its failure to act is less harmful than would be compliance with selfish demands subversive of the general public interest.

"Comprehending the readiness of elective officers to respond to appeals from the electorate, propagandists habitually use two general plans to influence legislation:

"1. To create public opinion respecting measures either by wholesome educational processes or by concealment and misrepresentation; and

"2. To make the legislator believe a well-grounded sentiment exists touching a subject, when in fact the public neither knows nor cares anything about it.

"The methods resorted to are often so undisguised as to counteract themselves. Propaganda, to be effective, usually must be insidiously planned and carried on.

"Such unwholesome practices probably can not be prevented without infringement of the constitutional right of freedom of speech. It is better to endure the evils of unrestrained propaganda than to stifle free speech. The only sane remedy for propaganda is exposure—full and fair publicity.

SHALL CABINET MEMBERS PARTICIPATE IN CONGRESSIONAL DEBATES?

"The fallacy that discontent may be removed by additional legislation finds its counterpart in the suggestion that our legislative system may be improved by giving to Cabinet members the right to participate in congressional debates.

"The division of the legislative, executive, and judicial functions into separate coordinate departments is a wholesome provision of the Constitution. This valuable principle of government would be threatened, if not destroyed, by any change which would confuse and commingle the legislative and executive functions. The argument advanced in support of such a change is that it would promote harmony by providing the Congress full information concerning the opinions and motives of the Executive. Anyone familiar with the congressional procedure rejects this argument as utterly fallacious. The President by address can furnish the Congress any information in his possession. He may advise what action he deems necessary in the public interest. The committees and Houses of Congress now call upon the executive departments for information concerning matters within their respective jurisdictions. It is true that frequent and sometimes bitter differences have arisen between the President and the Congress, but these differences usually have not been due to lack of mutual understanding. They have uniformly grown out of opposing viewpoints. The admission to congressional debates of Cabinet members would divert their attention from the important and intricate details of executive duties and convert them into legislative agents. The President inevitably would be committed in advance by his ministers to the approval or rejection of measures which our scheme of government contemplates shall be passed upon by him with an independent mind. The Congress would be subjected to Executive influences, and the result would be either subordination of the legislative mind to the Executive will or hopeless and irreconcilable conflict between the two.

"Whatever may have caused present conditions and whatever may be to blame for them, participation of Cabinet members in the business of Congress will not constitute an effective remedy.

LESS GOVERNMENT RATHER THAN MORE LEGISLATION THE REMEDY.

"The cause of the prevailing restlessness and discontent is too much government rather than necessity for additional legislation.

"Every lawyer is conscious of the process of centralization. The sphere of Federal activity is constantly expanding and Federal agencies are being rapidly multiplied. The States and their subdivisions have been repressed, until the last stronghold of local authority, the police power, is threatened by Federal encroachment.

"The disease which afflicts the body politic is so complicated that the patient can not describe the symptoms and the doctors can not correctly diagnose the illness. Nothing is worse needed than a cure for the prevailing neurotic fanaticism which manifests itself in clamorous calls for legislation which in the long run must prove harmful rather than beneficial.

"Approximately 16,000 written statutes, including municipal ordinances, are applicable to the government of the conduct of citizens in the various municipalities. The public mind would be calmed and comfort and happiness would be promoted if one-half of these, judiciously selected, were at once repealed.

"The fanatical tendency toward excessive law making is demonstrated by the introduction during the last session of Congress of 16,170 bills in the House of Representatives and 5,052 in the Senate, making a total of 21,222, not including resolutions and joint resolutions to the number of about 2,000.

"A sane program for the restoration of whole-hearted confidence in the Government might well include the following policies:

"1. More deliberation in the enactment of laws and the repeal of unnecessary, vexatious, and admittedly unpopular statutes.

"2. The simplification of all laws continued in force. Federal revenue acts, especially income-tax provisions, are notable instances of complex statutes which no one subject to them fully understands.

"3. Rigid and impartial enforcement as the surest means of compelling the repeal of obnoxious statutes and of creating a spirit of obedience to law.

"The notoriously frequent, and in some localities open violations, of the national prohibition act are creating a spirit of contempt for law and are tending to convert the American people into a nation of lawbreakers. The inauguration of national prohibition was premature in the sense that public sentiment in many communities did not approve it, and wherever that was true it has been difficult, almost impossible, to enforce the law. Nevertheless, while the National Constitution and statutes provide prohibition, there is no honorable course to advocate or pursue save rigid and impartial enforcement.

"4. The creation of higher standards of public duty for the citizen and the officer as the certain means of destroying

the power of organized selfishness now threatening to dominate the Government.

"5. An intelligent and comprehensive study of the various phases of industrial life with a view to the establishment of just tribunals for the investigation and adjustment of disputes likely to result in strikes and lockouts.

"6. A nation-wide campaign, led by lawyers, to refine the administration of justice as the surest means of stabilizing our civilization and of perpetuating high ideals in American citizenship."

INVESTMENT AND PROFIT IN SOFT-COAL INDUSTRY (S. DOC. NO. 207, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Federal Trade Commission, transmitting explanatory and statistical material supporting its preliminary report on investment and profit in soft-coal mining, 1916-1921, etc., which, with the accompanying papers, was referred to the Committee on Education and Labor and ordered to be printed.

PETITIONS.

Mr. EDGE presented a letter from Nelson Dunham, of New Brunswick, N. J., accompanied by a petition of the Plainfield Radio Association, praying that radio vacuum tubes be placed upon the free list in the pending tariff bill, which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NEW BRUNSWICK, N. J., July 3, 1922.

Hon. WALTER E. EDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have been requested by New Jersey radio amateurs to present their views and to petition Congress. Amateurs everywhere are deeply interested in this matter and strongly feel that corporations are seeking a strangle hold which affects that which is fast becoming a public-utility service.

The purpose of this communication is to request that the inclosed petition be presented to the Senate.

Respectfully,

NELSON DUNHAM.

TARIFF PROTECTION TO A MONOPOLY IN RADIO APPARATUS.

The honorable the Senate of the United States in Congress assembled.

SIRS: Your petitioners, believing that there exists a monopoly in the manufacture, sale, use, and importation of radio apparatus, submit that such monopoly should not be encouraged by tariff protection and that radio apparatus, particularly vacuum tubes, should be placed upon the free list.

Reference is made to (1) the testimony before the radio conference committee, appointed early this year by the Secretary of Commerce; (2) one of that committee's basic recommendations to the effect that radio apparatus should be freed of existing restrictions; and (3) the fact that importation of radio vacuum tubes—even for Government purposes—is virtually prohibited by the combine or its affiliated interests. Thus America is restricted to tubes of comparatively inferior quality and to a most limited selection as to power and type. For instance, four-element tubes are not obtainable in this country, though freely made and used abroad.

We do not presume to express an opinion as to whether a legitimate patent monopoly can legitimately be combined with all other patents and patent rights of like nature. It is manifest, however, that such combination can be used to defeat the antitrust laws, are contrary to public policy, and should not be fostered by tariff protection.

We believe that the Army and Navy Departments have a large surplus quantity of radio vacuum tubes, the disposal of which has been tied up by those interested in the monopoly. Inquiries made abroad meet with replies to the effect that importation of such tubes into this country is prohibited—not by reason of the tariff but by the control here of foreign patents and patent rights.

Your petitioners pray that radio vacuum tubes be placed upon the free list, at least for research and amateur experimental purposes.

Respectfully submitted.

PLAINFIELD RADIO ASSOCIATION.

(In behalf of its other New Jersey radio clubs and associations),
J. P. W. TAYLOR, President.

Mr. LADD. I present a resolution passed by the Irrigation Congress of North Dakota on irrigation and flood-control conditions in the West, and ask that it be referred to the Committee on Irrigation and Reclamation and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

Whereas the womanhood of America are rapidly coming to a comprehensive grasp of the duties of American citizenship and the responsibilities that such citizenship implies; and

Whereas the comfort and prosperity of the home on farm and in village is a material factor in economic, social, and political contentment; and

Whereas the conservation of the flood waters of the Missouri-Yellowstone watershed will effect irrigation of certain arid and semi-arid tracts and will likewise enable the development of hydroelectric power, which may be utilized to increase agricultural productivity and at the same time provide comforts and conveniences aforementioned; and

Whereas the reclamation fund available to North Dakota, South Dakota, and Montana may be wholly inadequate to so comprehensive a project: Therefore be it

Resolved, That the womanhood of these several States urge and demand upon our Representatives in Congress that immediate steps be taken with a view to the reclamation of this vast area in the interest of the development and prosperity of the farms, villages, and cities in the entire watershed of the Missouri-Yellowstone; and

Resolved, That if the funds available to the several States are inadequate to such a comprehensive project, we urge and demand that our delegations in Washington call upon Congress for the appropriation of such additional funds as may be necessary to the completion of such a project.

Resolved, That it is understood and agreed that all lands in the Mouse River and Des Lacs watershed are considered a portion of the demand.

Adopted by the Fourth North Dakota Irrigation Congress in convention assembled June 8, 1922.

E. A. WILLIAMS, *President*,
GEORGE N. KENISTON, *Secretary*.

Mr. BROUSSARD. I have here a concurrent resolution adopted by the legislature of my State with reference to the flood waters of the Mississippi River, which I ask to have referred to the Committee on Commerce and inserted in the RECORD in 8-point type.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD in 8-point type, as follows:

Senate concurrent resolution (By Mr. Williamson, chairman).

Whereas the control of the flood waters of the Mississippi River and its tributaries is a question of vital and national importance, affecting as it does the lives and property of the people residing in this great fertile valley extending from the States of the Central West to the Gulf of Mexico; and

Whereas the United States Government alone has the power, authority, and responsibility to solve this great national problem: Therefore be it

Resolved by the senate of the State of Louisiana (the house of representative concurring)—

First. That there should be immediate recognition by the Federal Government of national responsibility for interstate drainage, and particularly the protection of the lower Mississippi Valley from floods originating above.

Second. That there should be a prompt and systematic completion of the levees up to the standard adopted by the Mississippi River Commission.

Third. That an immediate comprehensive study of the flood problem should be made.

Fourth. That there should be such supplemental protection for the lower Mississippi Valley in addition to the standard levees as may be found practical; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Secretary of War, the Congress of the United States, and the governors of the various States, inviting their cooperation in solving this great national problem.

I hereby certify that the above and foregoing is a true and correct copy of senate concurrent resolution No. 8, adopted by the senate June 13, 1922, and concurred in by the house of representatives of the Louisiana Legislature on June 14, 1922.

O. H. SIMPSON,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. EDGE, from the Committee on Inter-oceanic Canals, to which was referred the bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, reported it without amendment.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes (Rept. No. 806);

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii (Rept. No. 807); and

H. J. Res. 316. Joint resolution authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission (Rept. No. 808).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RAWSON:

A bill (S. 3789) granting a pension to Carrie Mott (with an accompanying paper); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3790) authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the disposal of the surplus waters of Milk River, Two Medicine, Cut Bank, and Badger Creeks, not needed by the Indians of the Blackfeet Indian Reservation for domestic or irrigation purposes; to the Committee on Indian Affairs.

SPEECH BY SENATOR STANLEY.

Mr. BROUSSARD. Mr. President, on July 4 the senior Senator from Kentucky [Mr. STANLEY] addressed Tammany Hall. The speech is a most brilliant, interesting, and illuminating one, and I ask unanimous consent to have it inserted in the RECORD in 8-point type.

There being no objection, the speech was ordered to be printed in the RECORD in 8-point type, as follows:

ADDRESS OF SENATOR A. O. STANLEY, TAMMANY HALL, NEW YORK CITY, JULY 4, 1922.

Senator STANLEY spoke as follows:

"Fellow Democrats, in the mental and physical vigor of her children, in industrial enterprise, in financial strength, in martial achievement, a nation unconquered and invincible, commands upon the one hundred and forty-sixth anniversary of her birth the envy and the admiration of the world, the acknowledged premier of the planet, holding in her youthful and puissant hands the destinies of a distracted globe.

"In reviewing the proud annals of the past, rich in historic incident, one supernal fact stands, a thing apart, rising tower-like above the material mastery of a continent, above the discoveries of inventive genius, the immortal labors of philosophers and sages, above valor's inspiring victories on land and sea—for that one and mighty thing is at once the inspiration and the reward of all that we have ever hoped or thought or done—the declaration of our independence of the domination or control of any power on earth. It is more than a national liberation, it is the eternal guaranty of personal freedom, it is the inestimable heritage of every citizen, rich or poor, high or low, under the protecting aegis of the Stars and Stripes.

"After 4,000 years of vain endeavor and blighted hopes, weary wanderers in the wilderness of oppression found in the New World freedom's promised land, where all men may stand erect and unawed by human power, free to live their own lives, speak their own thoughts, shape their own destinies, bending the knee only to God, to whom alone they owe their independence and by whose grace they will forever maintain and defend it. For, said the immortal Declaration—

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among them are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed.

"The fathers never contemplated a sort of ubiquitous governmental Santa Claus, however benevolently disposed in the exercise of unlimited and autocratic powers. The Federal Government was not made the source or custodian of a people's wealth or the censor of its manners or its morals; it was not its function to prescribe its regimen or its faith, to curb its indolence or reward its industry. No; its one mission was, not to create or bestow or limit 'these rights,' but to secure them.

"To bestow a right implies its previous possession in the hand of the grantor, and the rights secured by the Declaration came not from governments, for it is self-evident—

"That all men are created equal and are endowed by their Creator with certain unalienable rights.

"No government having created, none save a despotism will ever dare to invade or restrict them. It matters not whether the abominable thing be attempted by a monarch or a majority; no name however euphonious, no form however popular or delusive can excuse the execrable act of oppression. For 'when-ever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it.'

"For long and weary years patriots, patient but vigilant, without a thought of secession or rebellion, sought to preserve these 'unalienable rights' secured by the great charters and denied by a stupid king and a bigoted ministry; revolution came only when reform was impossible.

"'In America,' said the calm Andrew Elliott, of Boston, 'people glory in the name and only desire to enjoy the liberties of Englishmen.'

"Before the Battle of Lexington, Franklin had 'never heard of the least expression of a wish for a separation,' and John Adams declared that the charge that 'any pant after independence' was a 'slander on the Province.'

"Before the 19th of April, 1775," relates Jefferson, 'I never heard a whisper of a disposition to separate from Great Britain.'

"In 1774 Washington wrote, 'No such thing as independence is desired by any thinking man in America,' and two years later he asserts, 'When I first took command of the Army I abhorred the idea of independence; but now I am fully convinced that nothing else will save us.'

"The author of the Bill of Rights, George Mason, aptly expressing the opinions of his compatriots, declared that prior to the wasting of their fields, the devastation of their cities and massacre of their sons he had been 'well affected to the King personally and to his Government; one who adored the wisdom and happiness of the British constitution and preferred it to any that then existed or ever had existed.'

"It was not to overthrow this 'constitution' or to supersede it that the Continentals took up arms, but as free Englishmen to retain and maintain their 'unalienable rights' under it.

"We will," swore the minutemen, 'to the utmost of our power and abilities defend all and every of our charter rights, liberties, and privileges, and will hold ourselves in readiness at a minute's warning, with arms and ammunition thus to do.'

"What were those precious 'charter rights,' liberties, and privileges for which the ragged Continentals with their flint locks stood ready 'at a minute's warning' to do and to die?

"They are the 'unalienable rights' of the Declaration of Independence, they are the body of the Constitution of the United States, they are the Bill of Rights, the 'holy of holies' of that instrument, without which the Colonies would never have adopted it. They are Magna Charta, the Petition of Right, and the Declaration of Right all in one. They are the sum of the solemn guaranties of every government proud scions of the Saxon race have ever acknowledged or obeyed in a thousand years, for which here and beyond the seas, from Yorktown to Runnymede, they have stood willing and ready to fight, and, if need be, gladly to die.

"As their valor maintained them then, O God of nations and of battles, may our wisdom preserve them now, inviolate and eternally ours.

"Liberty to the Saxon is not the dream of some doctrinaire obscured in a philosophic haze; it is not without, it is within him—a vital, living, pulsating thing, a part of his very soul. It is concrete. It is sensitive to the touch and, like his body, to threaten or profane it is an intolerable degradation.

"This passionate, jealous, indomitable devotion to personal liberty and personal independence is the very hall mark of the race. To it is due its puissance in war and its moral grandeur in peace. It glorifies all its history, and when history is lost in the twilight of tradition it lends dignity to the savage and illumines the hut and the hearthstone of the barbarian in the wilds of Schleswig and Friesland.

"The institution of trial by jury had its genesis in this stubborn maintenance of the inviolate sanctity of his person and the privacy of his home, forever free from any form of governmental intrusion save by the consent of his fellows and his peers.

"The basis of their society was the freeman."

"Says Green.

"He alone was known as 'the man' or 'the churl.' He was 'the free-necked man,' whose long hair floated over a neck that had never bent to a lord.

"According to Tacitus—

"Each dweller within the settlement was jealous of his own isolation and independence among his fellow settlers.

"Older than our civilization, older than our faith, are these institutions, cherished by our Scandinavian forbears still clad in the tawny hides of wild beasts and the worshippers of Thor and Woden. Upon the independence of the individual, upon the sanctity and security of the home, upon local self-government, Saxon civilization is builded, and to it that civilization owes the dominance of the world and the highest measure of freedom ever enjoyed by the children of men.

"The Saxon conquest of the British Isles was not the invasion of a hostile army; it was the exodus of a whole people.

"War was not sooner over—

"Says Green—

"than the warrior settled down into a farmer, and the home of the peasant churl rose beside the heap of goblin-haunted stones that marked the site of the villa he had burnt. Little knots of kinsfolk grew together in 'tun' and 'ham' beside the Thames and the Trent as they had settled beside the Elbe or the Weser, not as kinsfolk only, but as dwellers in the same plot, knit together by their common holdings within the common bounds. Each little village-commonwealth lived the same life in Britain as its farmers had lived at home. Each had its own

moot hill or sacred tree as a center, its 'mark' as a border; each judged by witness of the kinsfolk and made laws in the assembly of its freemen, and chose the leaders for its own governance, and the men who were to follow headsman or ealdorman to hundred court or war.

"For 10 centuries has he cherished these institutions with an idolatrous devotion, defending them with dauntless bravery, and in defeat and disaster, still precious as life, he has still clung to them in the midst of servitude and of chains.

"Magna Charta is in its essence the embodiment of 'unalienable rights,' temporarily denied by a Norman conqueror and restored perforce by his reluctant and degenerate son.

"Perfectured by experience, developed by civilization and by culture, these rights assumed a more definite and concrete form.

"Our Anglo-Saxon ancestors," says Chief Justice Taft, "hammered out their civil liberty by securing from their would-be royal oppressors not general declarations of principles of freedom, like a French constitution, but distinct and definite promises that certain rules, not of substantive but of adjective law, should obtain. * * * Run through the Magna Charta of 1215, the Petition of Right of 1625, the Bill of Rights of 1688, the great charters of English liberty, and you find in them an insistence not on general principles but upon procedure.

"In the maintenance of these 'inestimable privileges,' hoary with the prescription of centuries, the colonists went from reform to rebellion and from rebellion to victory. Even at this hour we are lost in wonder and in admiration at the valor, the moderation, and the wisdom of that band of heroes and of sages who at a nation's birth pledged it eternally to the inviolate preservation of these ancient, these 'unalienable rights,' sacred as life itself, and, like life, they come not from governments but from God.

"Well might the great Chatham exclaim—

"I have read Thucydides and have studied and admired the master States of the world—for solidity of reason, force of sagacity, and wisdom of conclusion under a complication of difficult circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia.

"The very apostles of human liberty, profoundly learned in the history and character of all the despotisms of the past, their sagacious vision penetrating mere forms, dissected the very essence of government and exposed all the hidden arts by which avarice, ambition, or bigotry had ever deluded or enslaved mankind.

"In framing the Constitution they incorporated into the organic law all those 'checks and balances' which experience had shown were best calculated to prevent the unwarranted extension or abuse of Federal power and, above all, imperative and categorical inhibitions against the exercise of any authority by which a government in any form, State or Federal, might exercise an authority inimical to the 'unalienable rights' mentioned in the great Declaration.

"They reaffirmed the seasoned guaranties of the great English charters against every abridgment of the freedom of conscience, of speech, or of the press, against unlawful arrest, the imposition of excessive fines, or the infliction of cruel or unusual punishments. The person, papers, houses, and effects of the citizen were forever immune from unlawful searches and seizures. There was to be no denial of the writ of habeas corpus or the right of trial by jury. Local self-government was effectively preserved by vesting in the Federal Government only specifically delegated powers and by the further and sweeping assertion—

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

"And—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

"The Constitution was a compend of the wisdom and the ripened fruit of the experience of 2,000 years of Saxon civilization.

"It is ours to proudly boast and justly maintain that the fathers of democracy were the authors and signers of the Declaration of Independence and the framers of the Constitution of the United States.

"The fundamental principles of freedom and the tenets of democracy form the woof and warp of our personal liberty and our national independence.

"The stability of our institutions, our national puissance, our territorial expansion, our amazing growth in wealth and population, and, above all, our long and unalloyed enjoyment of personal independence and domestic felicity, all are due to the fact that the administration of the law for more than half a century after the adoption of the Constitution was in the wise and strong hands of those who had fashioned that instrument, or of their successors who professed their political faith and emulated their illustrious example.

"From the inauguration of Thomas Jefferson to the Civil War, the Democratic Party lost but three elections, and no two

in succession; and from the adoption of the Constitution to the inauguration of the first Republican President, a period of over 70 years, there was but one attempt on the part of the Federal Government to invade the reserved rights of the citizen or the sovereignty of a State. This attempt by the authors of the alien and sedition laws to abridge the freedom of speech and of the press by conferring Federal jurisdiction over alleged seditious libels brought an instant anathema from the Sage of Monticello and from the alert and indignant democracy of the Nation.

"For—

"Says Jefferson—

"The Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offenses committed against the law of nations, and no other crimes whatsoever; * * * therefore the act of Congress passed on the 14th day of July, 1798 (the alien and sedition act), all other acts (which assume to create, define, or punish crimes, other than those so enumerated in the Constitution) are altogether void and of no force; and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective States, each within its own territory."

"The Republican Party, born in the throes of sectional hate and fratricidal strife, poisoned in its vitals by the virus of federalism, has, during all the years of its evil existence, never ceased to advance with steady and stealthy tread 'over the whole field of jurisdiction.' At this hour we are faced with a bald proposal to abandon all the sage precepts and principles of the fathers.

"For when you make a centralized government and not the citizen the source and repository of all power, you will not have amended, you will have abolished, the Constitution of the United States. You will have inverted the whole system upon which for a thousand years the structure of Anglo-Saxon liberty has rested.

"This disreputable political organization is at present torn by a number of warring factions, and of them all the so-called 'progressive' is the most ingenious inventor of new ways and means of invading the vested rights of the States and the liberties of the citizen; like a legislative ghoul, exhuming the dead and buried despotisms of the past, unmindful of the wise aphorism of Edmund Burke that 'all innovation is not progress.'

"The great trouble with these vociferous 'progressives' is that they are forever moving in the wrong direction. Their energy and ingenuity is in the main confined to the discovery of some new method by which a centralized and omnipotent power may extend its inquisitorial and ubiquitous authority over distant Commonwealths and remote communities and into every nook and corner of the moral, political, and industrial life of the citizen.

"From the crushing weight and the inordinate expense of this abominable system of endless and irresistible Federal interference there is no escape. Great States are to be stripped of all actual control over their penal, eleemosynary, and educational institutions. The citizen is to be left helpless and exposed to the prying interference and vexatious intermeddling of the delator and the spy, even in his most intimate and domestic relations.

"Weddings are to be supervised by a hygienic expert and marital rights determined by some eugenic fool.

"Babies are to be born by Federal aid and suckled under Federal supervision.

"You can not milk a cow without a Federal inspector at your heels. The factory, the mill, the counting-house, the office, and the home literally swarm with a horde of petty and pestiferous representatives of this paternalistic régime.

"Senator Foraker in 1907 bemoaned the multiplication of useless offices and officers in his degenerate day, declaring that—

"The little band of 167 special deputies, agents, and inspectors on the pay rolls of the Government 10 years ago has been swelled to an army of more than 3,000.

"Three thousand agents and inspectors! There are over 30,000 now.

"In an address recently delivered in this city, ex-Governor Haskell, of Oklahoma, indignantly declares:

"Less than a quarter of a century ago, in the greater enjoyment of individual rights and local self-government, our Federal authorities found it necessary to have upon the pay roll of the Federal Government fewer than 200 sleuths and special agents and inspectors to aid in the enforcement of Federal laws. Will anyone defend the policy of the Federal Government which to-day employs more than 42,000 inspectors, sleuths, and inquisitorial agents to dog the footsteps of him who should be, in the exercise of his constitutional rights, enjoying the hitherto dignity and freedom of an honest American citizen?

"From this depressing and sickening scene turn back with me to the dignity, the independence, the peace, happiness, and prosperity which for more than half a century marked the wise and just administration of national affairs by Presidents and

parties reverent of the Constitution and obedient to its wise and manifest limitations.

"At home—

"Said Jefferson in his second Inaugural—

"fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices or useless establishments and expenses enables us to discontinue our internal taxes. These, covering our land with officers and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained, reaching successively every article of produce and property. * * * It may be the pleasure and pride of an American to ask what farmer, what mechanic, what laborer ever sees a taxgatherer of the United States?

"The Federal Government was administered from the beginning of Jefferson's to the end of Buchanan's administration—a period of 60 years—for less than a billion dollars. That will not meet the expenses of special commissions incurred during a single year of the present administration.

"During the last 10 years the appalling cost of a hundred different commissions, boards, and bureaus, employing an innumerable army of deputies, inspectors, supervisors, spies, and political parasites, has actually exceeded by 400 per cent the total cost of the Federal Government for the first half century of its existence.

"This insatiable lust for inquisitorial power daily begets new boards and bureaus. The appetite for attending to other peoples' business grows by what it feeds on, and their devastating cost increases by leaps and bounds. We are told that this insufferable burden of taxation is the result of the war. A casual analysis of the receipts and expenditures of the Government explodes this groundless contention.

"For the fiscal year ending June 30, 1922, the amount appropriated for governmental purposes, not including the cost of the War and Navy Departments, pensions, Veterans' Bureau, or reduction of the national debt, is \$1,115,517,366, an increase of 500 per cent over 1916 and within a few hundred thousand dollars of the total cost of maintaining the Federal Government from the inauguration of George Washington to the advent of the Republican Party.

"There is no limit upon Federal power and no bottom to the Federal Treasury, and, acting upon the preposterous assumption that national wealth can be multiplied by Federal taxation, Washington has become the Mecca alike of the visionary and the necessitous, each hour furnishing some new legislative nostrum or some new means of harrassing or plundering an outraged public. They glory not in the character but the amazing amount of grist turned out by the legislative mill.

"Mr. MONDELL, the leader of the majority in the House, has just blandly assured us that—

"This Congress has up to this time placed upon the statute books 398 separate laws, of which 311 are public and 87 are private, including claims. This is at the rate of 1½ laws per legislative day for the entire session.

"And the worst is yet to come, for, notwithstanding this furious and indiscriminating grind, bills are now pending in the Federal Congress to regulate, supervise, censor, or control the public press, public utilities, the sale of securities, the mining of coal and minerals, and the weaving of cloth; horse racing, football, baseball, moving pictures, Sunday amusements, everything in fact from the birth of the baby to the burial of the corpse, and from the operation of a railroad to the setting of a hen.

"Under the terms of a bill proposing to regulate horse racing by censoring the mails and the press a lad at college writing to his mother and stating the odds on a football game is liable to a fine of \$5,000 or imprisonment in the penitentiary for five years.

"Under the terms of Senate bill No. 23—

"any person who shall teach, incite, propose, aid, abet, encourage, or advise the unlawful injury or destruction of private or public property, etc., shall be guilty of a felony and shall be punished by imprisonment not exceeding 40 years or by fine not exceeding \$50,000, or by both such fine and imprisonment.

"One act provides for the payment out of the Federal Treasury for all wheat, shell corn, or raw cotton or raw wool produced in the United States, and another supported by 1,425,295 alleged petitioners has just been read into the CONGRESSIONAL RECORD which imposes a fine of \$10,000 and long terms of imprisonment upon any person or corporation running a freight or mail train, opening a post office, or publishing a daily newspaper on the Sabbath Day.

"There is still another bill proposed but not yet introduced boasting the approval of 91,000,000 supporters which denies the right to hold any National, State, or municipal office, either elective or appointive, to vote, own bonds, stocks, securities, mortgages, etc., or to hold any meeting or meetings, service or services whatsoever, other than by persons acknowl-

edging and proclaiming the doctrine of the Trinity and the divinity of Jesus Christ.

"There is not at this hour left a single 'inestimable privilege,' one 'unalienable right,' mentioned in the Declaration of Independence and secured by the Constitution of the United States which is not openly invaded or secretly undermined by some paternalistic project or socialistic propaganda.

"In the enforcement of this insane and pernicious saturnalia of socialistic legislation, the honest toilers of America are being literally devoured by a veritable army of hungry political parasites.

"Even the Dearborn Independent is appalled by the number of pensioners upon Federal bounty.

"Not more than 30,000,000 persons"—

"Says this paper—

"are actually engaged in producing and distributing goods, clothing, and other necessities of life. Every two actual producers now maintain, in addition to dependents and other nonproducers who draw from production, the equivalent of one individual that is maintained by Government expenditure of some sort. Do you know, furthermore, that 10 per cent of the national earnings now go for governmental operation, etc.?"

"In short and in fine, we have come to the parting of the ways. The Old Guard, impotent and discredited, is left to the mercy of the Nonpartisan League and a triumphant socialistic organization masquerading under the emblem of the Bull Moose.

"Is the spirit of democracy dead in America? Is constitutional government to be despised and forgotten? Shall the followers of Jefferson and Jackson and Tilden sit idly by or tamely and silently submit to the clamorous and turbulent determination by an organized mob of the right to review the decisions of courts and to supervise and to determine the most intimate relations of our social and domestic life? Shall every constitutional restraint and every constitutional limitation be removed at the whim of omnipotent numbers maddened by the blatant appeals of blind fanatics and flannel-mouthed demagogues? Then, have we passed from democracy to mobocracy, from a government by laws and courts and Congresses to a government by hysteria and a government by emotion, from order to chaos?

"There is no better place than here, no better time than now, to sound a trumpet call to the spirit of a once undefiled and invincible democracy, to rally to the preservation of the Constitution and the salvation of the country on this, freedom's holy Sabbath Day, on the 4th of July, and amidst the untroubled braves of Tammany Hall."

RAIL CONDITIONS AT WINSLOW, ARIZ.

Mr. ASHURST. Mr. President, I have just received a telegram from officers of the Confederated Crafts, of Winslow, Ariz., which I desire to read in order that it may appear in the RECORD:

WINSLOW, ARIZ., July 4, 1922.

HON. HENRY F. ASHURST,

United States Senator from Arizona, Washington, D. C.:

As officers of the Federated Crafts of Winslow, Ariz., on the Santa Fe Railroad, sincerely believe that the time has arrived when you as a representative of the people of the State of Arizona should be informed of the existing condition of motive power at this point used in the handling of interstate commerce is in such condition as to jeopardize the lives of the employees as well as the traveling public, and it is our earnest request that this be placed before the Interstate Commerce Commission and brought to the attention of Congress.

D. E. MORRY.
A. O. DANIELS.
A. O. HURT.
C. E. MEABLES.
W. H. MYCKOFF.
J. H. HUGHES.

I move that the telegram be referred to the Committee on Interstate Commerce.

The motion was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. ASHURST. Mr. President, in accordance with the cloture rule proposed to be invoked, I now send to the desk certain proposed amendments to the pending tariff bill, and in accordance with the rule ask that they be read. I must have them read in order to comply with the rule.

Mr. KING. Mr. President, I hope we may dispense with the requirement of the rule, because—

Mr. ASHURST. It will be remembered that I called attention yesterday to the fact that in view of the cloture movement, which motion I think is most unfortunate and to be deplored, every Senator is driven to the necessity of preparing and offering and having read all amendments which he proposes to sub-

mit to the bill, and these amendments must be read before 12 o'clock to-morrow. The amendments which I now offer are vital.

Mr. KING. I have something like a thousand amendments to offer to the chemical schedule.

Mr. ASHURST. Then the Senator should prepare his amendments and have them read before 12 o'clock to-morrow, unless he is certain the cloture motion will fail. I ask that the amendments which I have sent to the desk may be read before any further discussion is had.

The VICE PRESIDENT. The amendments will be read.

The reading clerk proceeded to read Mr. ASHURST's proposed amendments.

Mr. HARRISON. Mr. President, I ask unanimous consent that the amendments may be considered as having been read.

Mr. ASHURST. I know that it is a friendly move the Senator is making, but I ask to have the amendments read.

The VICE PRESIDENT. The Chair understands that there is objection to the request of the Senator from Mississippi.

Mr. ASHURST. I do not want my constituents to be deprived of the right to have these amendments presented and voted upon. I am not going to be guilty of any default or remissness. I ask that the amendments may be read, as the rule requires.

The VICE PRESIDENT. The reading will be resumed.

The reading clerk resumed and concluded the reading of Mr. ASHURST's amendments, which are as follows:

On page 113, line 16, after the word "state" and the comma, insert the following: "one-fourth of."

On page 213, line 17, after the word "matter" on said line 17, strike out the period and insert the following: "20 per cent ad valorem."

On page 113, line 16, after the word "state" and the comma, insert the following: "one-half of."

On page 120, line 19, strike out the numeral "7" and insert in lieu thereof the numeral "10," so that the paragraph as amended shall read as follows:

"PAR. 900. Cotton having a staple of 1½ inches or more in length, 10 cents per pound."

On page 120, line 19, strike out the numeral "7" and insert in lieu thereof the numeral "12," so that the paragraph as amended shall read as follows:

"PAR. 900. Cotton having a staple of 1½ inches or more in length, 12 cents per pound."

The VICE PRESIDENT. The amendments will lie on the table and be printed.

Mr. JONES of Washington. Mr. President, on yesterday I asked to have inserted in the RECORD a statement and petition with reference to the facilities at Ketchikan and the accompanying guaranty. The petition and statement were printed, but the names were omitted from the RECORD. I intended to have the names inserted in the RECORD, because of the character of the document. I ask now that the names may be inserted in the permanent RECORD, following the body of the petition.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRISON. Mr. President, to-morrow under the rules of the Senate we are to vote on the question of cloture, which, if adopted, will limit debate to one hour for each Senator and restrict the further offering of amendments. I am a little surprised that some Senators on the other side of the Chamber should take this step, especially in view of their past convictions touching cloture and the votes they have cast heretofore when the rules of the Senate were attempted to be amended. I desire to bring to the attention of the Senate certain speeches, and more especially do I call them to the attention of certain Senators who uttered the speeches at the time previously when cloture was attempted in this body. They are very interesting.

The Senator from Massachusetts [Mr. LODGE] on yesterday followed his usual course of practicing parliamentary "jiu jitsu" by changing his past performances touching cloture. He is keeping up his stride of changing his position upon every question that comes before the Senate. I read from a speech which the Senator from Massachusetts made—and I am sorry that he is not now in the Chamber—in June, 1918, touching on cloture. The Senator from Massachusetts then said:

I now come to the bill which I believe is proposed as the official cause of this rule, and I think it is worth examining—

That happened to be at that time a revenue bill, the same as the pending bill—

That is the revenue bill. A bill for raising revenue, which includes, of course, tariffs as well as taxation, as far as my experience goes, and I think I have been taking part in framing something like seven or eight, always takes a longer time, both in the House and in the Senate. It is inevitable that it should. It is composed of a multiplicity of items, and whether it is to raise revenue by duties on imports or by taxation, it affects all the business of the country, and every business has a right to protest if it thinks that it is discriminated against or unfairly affected.

This revenue bill differed in no respect from others. It took a long time to get it through both Houses and turn it into law. As we are told that this is needed in order to shorten debate, especially on that bill, I want to analyze the time occupied in that bill.

It was taken up by the subcommittee of the House, as nearly as I can get the exact date, on the 15th of last April. It was taken up by the full committee on May 1. It was reported to the House on May 9. It was 24 days in the House committee. It was 14 days in the House. It then came over to the Senate on the 23d day of May. It was 74 days in the Senate committee. I can testify as a member of that committee that no time was lost, and no committee within my knowledge ever did harder or more incessant work than they did on that bill.

The House had had no hearings, and the result was that everything was pressed upon the Senate committee.

That is not different from this bill except as to the length of time that the Senate committee considered this tariff bill, which was much longer than the committee considered that revenue bill.

The Senate committee had the great pleasure and privilege of having all its colleagues here in session at the same time, and almost all of them felt that they ought to be heard. That, of course, was something the committee could not refuse. They brought, as they had a right to do, their constituents before the committee, and by the hardest possible work—and that includes the time when the bill was recommitment—74 days were taken by that committee.

After 74 days in the committee the bill came to the Senate and was 35 days before the Senate—more than a month. That seems a long period of debate. I had charge once here of a bill which was the organic act of the Philippines. It was seven weeks before the Senate. It was a very important measure, but I was in charge of the bill, and I thought it took a long time. People in charge of a bill usually do. It was before the Senate for 35 days. It was 31 days in conference. In debate in the two Houses on that bill 49 days were occupied, and in conference and in committee 129 days were occupied. Is it any wonder I say this is utterly needless?

This is not the place where the delays come. I look at this history of appropriation bills on the back of the calendar. The legislative, executive, and judicial bill was reported to the Senate on the 9th of April last. It was not taken up for several days, because my memory is that it passed in two or three hours one morning. At all events, it went out of the Senate on April 16 and went into conference April 19. Where is it? It has stopped where? Has the delay on that bill occurred in this body? I am not blaming the conferees of either House. I am showing the utter needlessness of this rule.

The Senator from Massachusetts further said:

My objection to it, however, is an objection of principle. I do not like to see this attempt to break down the freedom of debate in the Senate, which, whatever its defects may be at certain moments, in the main is, I think, extremely important to the country, and which certainly since the beginning of the war, as I have demonstrated by the time spent in debate, has produced no harm whatever and been no cause of delay. I relieve the majority of responsibility, because I can not see that they have the slightest gain to make by it; and I have not observed any greater reluctance to take time on the other side of the Chamber than on this.

Now I desire to read from another distinguished leader of the Republican Party. He is to-day the President of the United States. He spoke against cloture in this body when he was a Senator. He voted against the rule which sought to limit general debate to one hour and a half, but which permitted 20 minutes debate on every amendment that might be offered. The present President of the United States, at that time a Senator, thought that that was too much restriction on debate; that it defeated freedom of expression in this body; that it destroyed the cherished principles of the United States Senate. Here is what he said, in part:

You can not expect the Senate to limit its debate by an arbitrary rule.

But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the United States Senate is one of the highest guaranties we have of our American institutions.

I have a speech here from the junior Senator from Minnesota [Mr. KELLOGG], one of the crusaders in the cause of cloture—one of the real apostles of the present day for restricting debate and limiting freedom of speech and action in the Senate. I have here a speech of the senior Senator from Michigan [Mr. TOWNSEND], who is another one of the leaders on the other side of the Chamber who would strangle debate in the Senate. I shall not quote from these speeches, but merely call the attention of the Senate to them. I have here also a speech from the distinguished junior Senator from Maine [Mr. HALE]. I wish I had the time to read it as well as these others to the Senate, but I shall not trespass too much upon the Senate's time. The Senator from Maine [Mr. HALE] is employing much of his energy these days in trying to strangle the United States Senate and to restrict freedom of debate here.

I see the benign countenance of my friend from Indiana [Mr. WATSON] over there. He is strong for this cloture rule. He is an adroit politician; he is as smart as they make them. He knows that the pending bill will not stand the attacks from this side of the Chamber. He wants to restrict debate, to

forestall these assaults, to put through something here so that the people will never know the infamous character of some of the provisions of this bill. He knows that when the sugar schedule is reached we, on this side of the Chamber, are going to expose the deal that was attempted to be put over by a distinguished member of the Finance Committee, the senior Senator from Utah [Mr. SMOOT], by writing a letter to General Crowder, a representative of this Government to Cuba, and trying to induce Cuba to enter into a contract to restrict the production of sugar in Cuba to two and one-half million tons annually.

The Senator from Indiana knows that all that will be exposed. One of the conditions of the proposed contract was that if the Cubans should restrict their crop of sugar, the tariff on sugar would not be so high in this bill. The Senator from Indiana desires to keep that from the American people, and the adoption of this cloture rule will so limit debate that we on this side of the Chamber, who propose to discuss that matter, would not have time even to have read the letter written by the senior Senator from Utah to General Crowder or the contract which was attempted to be negotiated. The Senator from Indiana knows that if cloture is adopted the infamous schedule on wool which will place a tax anywhere from two hundred million to three hundred and fifty million dollars upon the American people can not be fully discussed. He knows that the provisions of this bill touching the powers granted to the President to raise and lower tariff duties can not be debated in the time which will be permitted for debate under the rule.

Mr. CARAWAY. Mr. President, will the Senator allow me to interrupt him?

Mr. HARRISON. I will yield in a moment.

The Senator from Indiana knows that those provisions touching the tax on leather and hides and shoes and boots, which will increase the cost of shoes to the little children and the men and women of the country, can not be discussed within the hour allotted to Senators under the rule. Now I yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, as the Senator is referring to the Senator from Indiana, I wish to suggest to the Senator from Mississippi that the Senator from Indiana did not expect this cloture rule to be adopted, because the Senator from Indiana knows when this bill shall have passed the Senate it must go to conference, and the Senator from Indiana voted to permit the House of Representatives to adjourn subject to reconvening on the 15th day of August.

Mr. HARRISON. Yes.

Mr. CARAWAY. He knew that the bill was not to be passed before that time, else he would not have voted to permit the House to adjourn until the middle of August, so that the tariff bill could not be sent to conference if it were passed to-day.

Mr. HARRISON. The Senator is eminently correct. The whole procedure is a piece of sham and deception, pure and unadulterated hypocrisy. Here is what the Senator from Indiana said when he was opposed to a cloture that permitted an hour and a half of general debate and 20 minutes discussion on every amendment, without any restriction on the presentation of amendments. He grew eloquent, as he always does, and said:

Mr. President, the Senator from Alabama said before taking his seat that the greatest speeches that have been made in the Senate of the United States in the past have been comparatively short ones. That is true as to some of them, but I call the attention of my honorable friend to the fact that if this rule had been in force in the Continental Congress—

He harked away back to history—

many of the great historical utterances that laid broad and deep the enduring foundations of the Republic and pointed the inevitable pathway of the future would have been but partially delivered.

The Senator from Indiana delivered a splendid speech. It was all right, unless the printer got it wrong.

I quote further from the remarks of the Senator from Indiana on the occasion referred to:

If this had been the rule of the United States Senate after the adoption of the Constitution and the formation of the Union, many of the great orations that challenged the attention of mankind and fashioned the policy of the Republic would have been but partially delivered. If this had been the rule of the United States Senate for the first 50 years of its existence, John C. Calhoun would not have been able to thunder forth the doctrines in which he believed; Hayne could not have announced on the floor the ideas which he so eloquently espoused.

How beautiful!

Henry Clay would have been unable to deliver in full any one of the score of speeches that accomplished so much for his country; and Daniel Webster, imperious orator of American history, could not have blazed the pathway of the future in that historic utterance in which he announced the essential policies of the Republic if its institutions are

to endure, for on the floor of the United States Senate and in the open forum of debate he in a sense shaped the destiny of the Republic and molded the future of the Nation.

Then Senator Gallinger, of New Hampshire, interrupted to say that Webster spoke for eight hours, and the adroit and smart and eloquent Senator from Indiana said:

And eight hours, the Senator from New Hampshire informs me, he spent in delivering that masterful oration.

If this had been the rule of the United States Senate before and during the Civil War Charles Sumner could not have sounded forth his great philippic against the barbarism of slavery, nor could any one of the masterful orators or statesmen who then occupied seats in this Chamber have voiced the sentiments of the sons of freedom that inspired the mighty North to action and led great armies to the fields of strife, for the principles of the perpetuity of the Union and the freedom of the slave were fought out upon the floor of the Senate before they were fought out upon the crimson fields of battle.

Further on in the same speech the Senator from Indiana said—

Mr. FERNALD. Read it all; it is good reading.

Mr. HARRISON. It is fine reading, and yet Senators on the other side will vote contrary to the admonition contained in the eloquent speech of the Senator from Indiana.

Why, Senators, we are not children; we are men. We are not playing with castles of cards; we are dealing with fundamental problems. We are not engaged in some sport in which a man is limited to a certain number of strikes; we are Senators, chosen because of supposed ability, fitness, and character to measure up to the great demands of statesmanship, to grapple with the eternal verities that underlie all progress and all enduring government, and why should it be thought that we must place a limitation upon ourselves else we shall trample upon the rights of the people by too great speech? The whole thing is to me the very height of the preposterous.

The Senator was friendly then with Senator Harding, just as he is friendly now with President Harding. They worked hand in hand and they will go down to destruction together—I mean politically.

The then Senator from Ohio, Mr. Harding, interjected, and the Senator from Indiana said:

I yield to the Senator from Ohio.

Mr. Harding said:

I want to call the attention of the Senator from Indiana to the fact that we completely changed the policy of the last tax law, due to the convictions that were evolved through the debate.

Oh, how true with regard to present-day conditions! How this bill has been changed from the time it was presented to the Senate in its original form! The Senator from Indiana the other day said that the Senate Committee on Finance had proposed 87 amendments, I believe, or 95 amendments, reducing the rates in the bill from its original form. So Mr. Harding must have been a prophet as well as stating facts at that time. He knew that this condition would probably come about in the future.

The Senator from Indiana said, in answer to that—

I thank the Senator for the suggestion. It is very appropriate and timely, because it is true that from the time the debate began on the last tax law until it was completed in this body the policy of that law was changed, and, I believe, changed to the good and changed in the interest of the people of the United States. I thank the Senator for his suggestion.

Yesterday when the Senator from Alabama [Mr. UNDERWOOD] was talking the Senator from Minnesota [Mr. KELLOGG] called attention to the fact that it took but seven weeks to pass through the Senate the Underwood-Simmons tariff law, and that already we have talked on this bill some seven or eight weeks, I do not know which. The Senator overlooked the fact that that was a good bill; that that was a bill in the interest of the people. There were provisions in it that the Republicans could not attack, and some of them voted for them. Even the Senator from Washington [Mr. POINDEXTER] in those days was termed a Bull Mooser, and he not only voted for the provisions of the bill but he voted for its final passage; and yet all through the consideration of this bill the rates have never been high enough for him. He has throughout the consideration of this measure voted with the reactionary element.

I do not know what it is that you gentlemen apply to these former Progressives and Bull Moosers that makes them become so reactionary, but you certainly have got something. My friend from Illinois [Mr. McCORMICK] never called himself a Bull Mooser, but he had the horns and all the other characteristics of a Bull Mooser; but as soon as he gets here and comes under the hypnotic influence of the Old Guard he and the others soon become reactionary and forget their former promises.

I proceed further. Other Senators who are now in the Senate spoke at that time against cloture—one of them a great leader on the other side. I refer to the Senator from Utah [Mr. SMOOT]. He spoke against it. He said:

The passage of this resolution means that running debate will be closed in the future, and I say now that there has been more information given to Senators, actual information, information that affected

the votes of Senators, more real information gained in a running debate where questions are freely asked than there is in all the set speeches that were ever made in this body.

Then the Senator who now offers this cloture made a speech, the distinguished Senator from North Dakota [Mr. McCUMBER], who is in charge of this bill. He spoke. He now offers the cloture, although he voted against the cloture that limited general debate to one hour and a half and 20 minutes on each amendment, without restriction with regard to the presentation of amendments. He spoke against that kind of cloture, but on the bill that he fathered, of which he was the author in part, he now says to the Senate, through the presentation of this cloture, "You must not discuss it in all, with all the Senate committee amendments, with all its provisions, over an hour; and you shall not be permitted, after one hour following the convening of the Senate to-morrow, to present a single amendment to any part of my bill." Here is what he said then:

So I can see no good reason in the world for attempting to stifle the voice of Senators upon the many subjects that may be brought before us.

Mr. President, I am against this resolution for another reason. All of the arguments that have been made by the proponents of the resolution, all of the arguments that have been made in favor of it by others have not enlightened us as to why the resolution should be brought before us now. On the contrary, Senators have stated again and again that it is not necessary. The Senator from Alabama declared that the Senate had not abused the privilege of discussion since this war began; he declared that there was no danger that the Senate would abuse the privilege of unlimited debate during this war. Mr. President, if Senators have not done so, and if they will not do so, then, in the name of heaven, give us one solitary, honest reason why it is necessary to shackle Senators in their discussion of any subject before the Senate of the United States? And why will they not abuse the right of debate? Because there is not a Senator in this Chamber, there is not a Member of this body who is not patriotic; and any Senator of the United States who would obstruct, by longer discussion than would be necessary, a bill that would affect our war progress would be a traitor to his country; he would be guilty of an act of treason; and he should be and would be immediately expelled by the patriotic Members of the Senate body. Then, why bring in this resolution now?

He said:

I know there has been some criticism on the part of the press about Congress delaying legislation, but every Senator knows it is not true. We know that we have not delayed legislation in any respect whatever. Then, why this resolution? It is a reflection upon the honesty, the patriotism, the ability of the individual Senators of the United States.

Those were the utterances only a few years ago of the men who now attempt to stifle debate in this body; and the only reason that can be advanced for their change of front is that your bill is so bad, so odious, so indefensible that you are afraid of full and legitimate discussion of it. You cringe under the assaults that are made on it. You tremble under an honest analysis of its provisions—the poor, bleeding, wounded, lacerated thing. The attacks upon it have been so many and so constant that it groans with pain and pleads for treatment. Its temperature is high. Its respiration low. Its system is all run down, and never in all history did a thing need to be operated on or treatment applied more than in this instance. And yet you deny us, through the application of this proposed cloture, to administer to this now fatherless and deserted and orphan child.

Now, does the Senator want to ask me a question?

Mr. McCORMICK. Although the Senator is lost in the maze of the metaphors of the Senator from Mississippi—

Mr. HARRISON. The Senator does not seem to be lost.

Mr. McCORMICK. He would suggest that if the bill be breathless, that is not true of the Senators on the other side of the aisle.

Mr. HARRISON. No; and they will not be breathless from now on until November.

Mr. McCORMICK. Until after election.

Mr. HARRISON. Oh, until after election? We will keep you breathless until after election, and there will not be any part of you left, politically, after the election. It is a godsend for himself that the Senator does not come up in Illinois this year.

Mr. President, speaking dispassionately, I want to appeal to the common sense and fairness and justice of Senators on the other side. You know that when this rule is adopted to-morrow, if it should be, your Finance Committee, that have met daily, as the Senator from Indiana and the Senator from North Dakota says, looking over these paragraphs, constantly making changes, offering modifications to the various provisions upon the floor, will be estopped in the future, except by unanimous consent, from offering those amendments. I submit that it is not fair to the American people. If your bill is odious, as it is—it has met the lashes and the criticisms and the condemnation of the Republican and independent press throughout the

country—if it is bad, do you think that is going to help you with that press? No. When you tie up this situation with a cloture that will prevent you, except by unanimous consent, from modifying its obnoxious and iniquitous provisions, you will roll that press still more, and you will cause more condemnation to be showered upon your heads, not only by the press but Americans everywhere, whether Republicans or what not.

Mr. KELLOGG. Mr. President, will the Senator give me the date of the speech I made on the cloture?

Mr. HARRISON. The Senator was speaking at that time against the resolution offered by the Senator from Alabama [Mr. UNDERWOOD] on either June 12 or June 13, 1918, and in opposition to the amendment offered by the Senator from Idaho [Mr. BORAH].

Mr. KELLOGG. Mr. President, I have not looked at the speech, but my recollection is that I voted for the present two-thirds cloture rule, which was brought in by the Democratic leader, and adopted, I believe, some time in 1918. It is true that the Senator from Alabama [Mr. UNDERWOOD] at some time desired to procure a majority cloture; but a two-thirds cloture rule was finally adopted, and I am sure the Senator will find that I voted for it. I remember that after months of debate I voted for and advocated cloture on the Versailles treaty.

Mr. HARRISON. Mr. President, if the Senator will permit, if he will look on page 7728 of the CONGRESSIONAL RECORD of June 13, 1918, he will see that he is recorded in the negative on the resolution proposed to limit general debate to one hour and a half and to limit debate on each amendment to 20 minutes.

Mr. KELLOGG. I am speaking about the cloture rule now in existence. I am sure I voted for that rule. But whether I did or not, I came to the Senate as a member of a minority party, and I had some high ideals about the duties of Senators, and about this great legislative body, of which I had read, and to which I had looked up for many, many years. I had heard of the names of great Members of the Senate which adorn the pages of American history. But I have lost some of that enthusiasm, and many of those bright ideals have been dimmed in the last six years.

I presume I did believe at that time that a two-thirds cloture was all that was necessary, because during the time that I was a member of the minority party there was no filibustering. The minority party during that time loyally supported the President and the majority, and no sign of a filibuster was evidenced during that period. Since I have commenced speaking this morning I have been informed that there were only three votes in the Senate against the proposed Democratic cloture rule which has been invoked for a vote to-morrow. It is of Democratic origin. Democratic Senators should not complain that it is invoked after 10 weeks of debate. They originated the principle of the cloture rule, and now it is not at all surprising, in view of what has taken place, that they writhe under the prospect of voting against it and going to the country with a filibuster which has lasted for months.

I was saying that during the time I was a member of the minority party they loyally supported the President, and did not try to delay legislation by filibustering; but the filibuster started in the Senate the day President Harding called an extra session—over a year ago. There were delays and delays and delays on the tax bill, on the prohibition bill, on any number of other bills. Look at the RECORD. The tax bill alone was in the Senate for two and a half or three months, and the Democratic Senators occupied about double the time the Republicans did.

The four-power treaty was in the Senate last winter for debate nearly two months. Look at the RECORD and see who occupied the time. The leader on the Democratic side said last night that we now have before us a bill with 2,000 amendments and that each one should be debated. The Senator well knows that many of those amendments are merely technical, and many of them would apply to a single section, which would involve but one principle. The Senator well knows that Senators on the other side have occupied three, four, and five hours continuously talking about one amendment which anybody could discuss intelligently in 15 or 20 minutes. The Senator well knows that the ranking Democratic member on the Finance Committee has parceled out the defense—or the filibuster. The Senator from Massachusetts [Mr. WALSH] was selected to fight the agricultural schedule because the other Senators would not or dared not do it and wanted to vote for it. Another Senator would be selected for something else, three or four of them at a time, to keep the thing going while the others were resting up during the night sessions. You can not make this country believe that those debates, day after

day, day after day, on single amendments were not debates for the purposes of delay.

I am not in favor of cutting off reasonable debate. I am not in favor of denying to any Senator the opportunity to discuss any amendment and let the country know what the amendment is. I have discussed one.

The Senator from Alabama said yesterday that there had not been much debate except on the bill. There have been days and days and days spent in debate on every conceivable subject except the bill. I was looking over the RECORD the other day and counting up the speeches, and I found that one distinguished Senator, up to March 2, had made 18 speeches on the Federal Reserve Board, and I do not know how many he has made since March 2; I have not counted them. Can it be said that those were upon the subject before the Senate?

Mr. President, I have never seen such an exhibition of waste of time in any deliberative body, unlimited and useless argument on single items of a bill, as I have seen upon this, and every Senator knows that at the rate at which the debate has been going it would not be finished in three years.

I said at one time that this is the only great national legislative body in the world where business could be done only by unanimous consent, and where a Senator or a number of Senators could talk at any time on any subject, and at any length, and read any book, however irrelevant to the subject. No other such body exists. Senators, the American people are sizing up the Senate, and I want to say here that the opinion of the people is not flattering to this body. We are lowering the dignity of this great deliberative legislative body. Especially since the war, which swept nearly all the civilized world with a consuming flame, the demand upon the Congress for legislation has been so great, questions of such surpassing importance are coming up every day for solution, that we must choose whether we will do the business of the public or whether we will not. I say that a rule which allows 10, 15, 20, or 30 days' general debate on any bill, and then an hour on the bill and 15 or 20 minutes thereafter on any amendment, permits debate enough to bring out all the merits or demerits of the bill and acquaint the country with all the questions involved. That we ought to have. Some such rule as that I have proposed several times in the last two years. It may not pass now, but I shall continue to propose it, and I believe that it will pass. I believe that the Senate will determine some time that there must be a reasonable limitation upon debate, so that the majority may be able to do business. That is all I ask. That is all I think we should have.

It was said yesterday that it was unreasonable to ask for an agreement to fix a date for voting upon this bill. I would not ask to fix a date, but I do not think it is unreasonable to ask that some limitation be placed upon the debate, the length of time which a Senator may occupy in general discussion of the bill, and the length of time he may occupy on any amendment. I am sure that all Senators could, with 15 or 20 minutes debate upon an amendment, and a reasonable time upon the bill, elucidate every question which is necessary for the decision of this body, and which is necessary to go to the country.

I am not afraid of going to the country. I am perfectly willing to take responsibility for every vote I cast. I do not want to shut off reasonable debate; but there should be some limitation upon this endless, endless talk, which is evidently being engaged in for a purpose.

This bill has been before the Senate now for 10 or 11 weeks, with night sessions some 3 or 4 weeks, longer than any tariff bill has ever been before any legislative body in this country, so far as I can find out.

Mr. POMERENE. Mr. President, the Senator is generally fair, and will he not be fair in making the statement that this tariff bill has been longer before the Senate than any other tariff bill? Will the Senator not add to that that it was longer before the Finance Committee and longer before the Ways and Means Committee, and longer before a Republican House, than any other tariff bill in the history of the country?

Mr. KELLOGG. I think that is quite true; I think it was.

Mr. POMERENE. Then it would seem that while we on this side of the Chamber may be charged with certain responsibility for the delay, the Republicans on the other side of the Chamber are also chargeable with very much greater delay.

Mr. KELLOGG. Oh, no; I would not admit that. The Senator must remember that the time during the entire last session was taken up until Thanksgiving with the tax bill. The Senator must remember that about the time the tariff bill was ready to be reported treaties of very great importance to this country and to the world came before the Senate and occupied nearly two months' time. The tariff bill was re-

ported to the Senate on the 10th of April. The committee gave 10 days thereafter for the leaders on the other side to prepare for the debate. That was not unreasonable, of course. The debate started on the 20th of April and has lasted now for 10 or 11 weeks and only some 300 or 400 amendments have been adopted.

Mr. EDGE. Mr. President—

Mr. KELLOGG. I yield to the Senator from New Jersey.

Mr. EDGE. I think the Senate is not alone concerned with the time that has already been consumed but with the prospect that in the future it would seem there is no possible limit to the time to be consumed and when a vote may be taken.

Mr. KELLOGG. I am coming to that. The Underwood law was before the Senate only seven weeks and disposed of some 600 amendments, which the committee made, and of the bill itself. Here we have disposed of some 300 or 400 amendments alone in over 10 weeks, and at this rate it would take 50 or 60 weeks to dispose of the bill.

Mr. POMERENE. Mr. President—

Mr. KELLOGG. I yield to the Senator from Ohio.

Mr. POMERENE. I notice in this morning's paper that the Finance Committee on yesterday had agreed upon a good many amendments to the cotton schedule very greatly reducing the rates. I am very glad that they have awakened to the necessity of making some reductions in those rates. While the Senator from Minnesota is complaining about the time taken on this side of the Chamber, will he not tell us how many more changes the Republican members of the Finance Committee are going to recommend? Possibly we can tell something then about the length of time that will be required on this side of the Chamber.

Mr. WALSH of Massachusetts. May I say that 700 amendments have already been considered?

Mr. KELLOGG. I am informed by Senators who have been here during other tariff debates that in every instance the Finance Committee has reported many amendments while the tariff bills were under consideration in the Senate. I have not had much legislative experience myself.

But, Mr. President, I did not rise to discuss the merits of the bill. I hope the Finance Committee will make amendments where they think they should be made. I certainly shall not vote for amendments, wherever they shall originate, if in my opinion the rates proposed are too high. I have voted against a good many such already. I do not expect every Senator to agree with me.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SHOTRIDGE in the chair). Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. KELLOGG. I yield.

Mr. WALSH of Massachusetts. I understand that between 700 and 800 amendments have already been considered. The Senator states that he is willing to vote for a decrease in the rates when in his opinion the rates fixed by the committee are too high. How many times has he voted against committee amendments?

Mr. KELLOGG. Oh, I could not say. I have voted a good many times.

Mr. WALSH of Massachusetts. Has the Senator voted more than three times against committee amendments?

Mr. KELLOGG. Oh, yes; I have voted against committee amendments a good many times since the debate started.

Mr. WALSH of Massachusetts. The roll-call records do not show that Senators on the other side of the aisle have voted very frequently against committee amendments.

Mr. KELLOGG. Well, I think I have done so.

Mr. President, what I started out to say was purely on the question of the reasonableness of the debate that has been going on. I do not think the cloture would cut off reasonable debate. I think, with the general debate which has been had upon the entire bill, that if each Senator can discuss it an hour more, it is a reasonable time to discuss the bill and to bring out all those features and lay them before the country. I want to be fair. I hope the Senate some day will adopt a more reasonable rule that will, after a certain length of time, allowing each Senator full opportunity to debate the merits of the bill and each amendment, bring to a close that debate.

Mr. SPENCER. Mr. President, on the 16th day of May the junior Senator from Mississippi [Mr. HARRISON], in speaking of the delay upon the tariff bill, with great vehemence and earnestness declared that the fault was upon the Republican side of the Chamber and that the Democratic Senators were exceedingly anxious to vote on the tariff bill and to get through with it. He said on the 16th of May:

Of course, we—

That is, the Democratic side—

understand that the plan of the majority is to allow consideration of the pending bill to occupy a long time in the Senate, to permit it to drag along for months and months, and then the bill will go to conference, and it will then stay in conference during and until after the election.

The Senator from Mississippi declared that such was the purpose and the plan and the intention of the Republican majority. Then he continued:

I wish to say, however, that if this tariff bill must be passed and forced upon the American people, we want to see it gotten out of the way, and if the Senator from Utah and his colleagues on the other side of the Chamber will stop filibustering and unnecessarily delaying the bill, we will let them pass it and we shall get away from here, so that they will not be allowed to carry out their scheme of letting the bill die in conference while they extort from the large interests campaign contributions in order to elect the House of Representatives.

After the Senator from Mississippi had concluded, I asked then for unanimous consent that a vote should be taken upon the tariff bill on the 1st day of June, which was about two weeks in advance of the day upon which the Senator from Mississippi was speaking. Promptly there rose upon the Democratic side first the Senator from Georgia [Mr. WATSON] and then the colleague of the junior Senator from Mississippi [Mr. WILLIAMS], each objecting to any such unanimous consent for the fixing of a day upon which the bill shall be voted upon.

Since that time, Mr. President, in seven weeks of debate, we have passed upon about 200 out of 2,000 amendments. The total number of amendments already acted upon will not equal more than one-third or one-half of the total amendments to the bill. So far as progress is concerned, we have made no progress. There is no end in sight. We have already consumed about three months in the consideration of the bill, which came to the Senate on April 11, a longer time by far than was consumed with regard to the Underwood tariff law, which came to the Senate on July 11 and passed the Senate on September 9, 1913, or with regard to the Payne-Aldrich law, which preceded the Underwood law and which came to the Senate on April 19 and passed the Senate on July 8, 1909.

Mr. President, I hazard again the challenge to my friend from Mississippi that he join with me now in a request for a unanimous-consent agreement to vote upon the bill and upon all pending amendments and upon all amendments that may be offered on the 1st day of August next. I now suggest the absence of a quorum and shall renew my request for unanimous consent to fix a day upon which to vote on the pending tariff bill when a quorum is secured.

Mr. ROBINSON. Mr. President, I object. It will not be necessary for the Senator to suggest the absence of a quorum.

Mr. SPENCER. I withdraw the demand for a quorum call, because obviously the objection of the senior Senator from Arkansas [Mr. ROBINSON] prevents any such unanimous consent as I hoped to secure.

Mr. STERLING. I submit an amendment intended to be proposed by me to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CARAWAY. Mr. President, among the names signed to the petition for cloture are those of Senators who have been absent so much that I doubt if the doorkeepers knew them when they returned.

The Senator from Minnesota [Mr. KELLOGG], to show how time ought not to be wasted, repeated one statement five different times in the lecture he read the Senate to-day.

The Senator from Minnesota [Mr. KELLOGG] discussed the bill once. The chairman of the committee, the Senator from North Dakota [Mr. McCUMBER], then apologized when the Senator was through because he talked about matters not before the Senate. He said the Senator from Minnesota wanted to discuss the particular schedule because he was going away. He had come in, you know, and wanted to make a political speech and catch the next train out. As I said, the chairman of the Finance Committee apologized when the Senator from Minnesota was through with a speech which the Senator from Minnesota made out of order in discussing matters not before the Senate.

Mr. KELLOGG. Mr. President—

Mr. CARAWAY. I yield to the Senator from Minnesota.

Mr. KELLOGG. I discussed the agricultural schedule. Does the Senator say that was not before the Senate?

Mr. CARAWAY. The schedule before the Senate was the chemical schedule. I suppose the Senator did not know it, because I do not think he had been here often. He was only interested for political reasons in the agricultural schedule.

Mr. KELLOGG. That is an entirely gratuitous and insulting remark, and the Senator knows it.

Mr. CARAWAY. Was the Senator here for a week before he made his speech?

Mr. KELLOGG. The Senator knows I was here every day.

Mr. CARAWAY. Was the Senator here for a week or 10 days before he came in to make his speech?

Mr. KELLOGG. I was here.

Mr. CARAWAY. Did the Senator leave that day?

Mr. KELLOGG. I did not.

Mr. CARAWAY. When did the Senator go away?

Mr. KELLOGG. I was only away two days.

Mr. CARAWAY. I did not ask how long the Senator was away. When did the Senator go away—the next day?

Mr. KELLOGG. Two or three days afterwards. I was away two days and that was all.

Mr. CARAWAY. I am not complaining, because I do not think the country lost any great thing when the Senator was away.

Mr. KELLOGG. I made a speech on the agricultural schedule.

Mr. CARAWAY. I know what the Senator made his speech about, and I know that that schedule was not before the Senate at the time. Now the Senator complains about Senators talking and talking and talking. I know and the Senator knows, if he was here, which I doubt, that yesterday and the day before the time of the Senate was taken up largely in discussing nuts. I know of no better subject for the Senator to have stayed here and engaged in the discussion of, but he was not here, evidently. I know that for hours the time of the Senate was consumed in discussing that question, and yet the Senator says any question can be discussed intelligently and fully in 10 minutes. All of the discussion on the subject of nuts was by Senators on the other side of the Chamber. The junior Senator from California [Mr. SHORTEIDGE], who now so elegantly graces the chair, made several speeches, eloquent speeches, learned speeches, and his colleague, the senior Senator from California [Mr. JOHNSON] addressed the Senate many times on that subject. The Senator from Oregon [Mr. McNARY] addressed the Senate on the same subject and many others discussed that subject intelligently.

Mr. KELLOGG. May I ask the Senator a question?

Mr. CARAWAY. Certainly.

Mr. KELLOGG. Was the Senator from California talking about the schedule that was before the Senate?

Mr. CARAWAY. Yes, sir; he was doing what the Senator from Minnesota did not do. He was talking about the matter before the Senate; but when the Senator from Minnesota talks it is about something else. That is what I am referring to.

Mr. KELLOGG. Did the Senator from Washington [Mr. JONES] talk about something that was not before the Senate?

Mr. CARAWAY. No. He did what an intelligent Senator usually does. He talked about fish when the subject of fish was before the Senate. The Senator from Minnesota when the chemical schedule was before the Senate talked about agriculture. That is what I am complaining about, that the Senator from Minnesota should read Senators a lecture about intelligently discussing schedules before the Senate when the only tariff speech I have heard him make was about a schedule weeks in advance of its being reached in the consideration of the bill.

Mr. KELLOGG. The agricultural schedule was reached within a few days.

Mr. CARAWAY. Oh, if the Senator will look at the date of his speech, which he has evidently forgotten, and the date when we reached the agricultural schedule he will find that he is no more accurate about the statement he has just made than he was about who was running a filibuster in the Senate.

Mr. KELLOGG. Did the Senator from Arkansas say that I was not here yesterday?

Mr. CARAWAY. I did not say that the Senator was not here on yesterday.

Mr. KELLOGG. Very well.

Mr. CARAWAY. I did not miss the Senator. If he had been absent I should have been just as happy and the Senate would have been just as enlightened, because the question before the Senate was discussed, and when that is done the Senator from Minnesota never takes part in the discussion.

Mr. KELLOGG. There are others who would not have been missed, Mr. President.

Mr. CARAWAY. I know that. There are three or four Senators on the other side of the Chamber, for instance, the chairman of the committee, who brought in a monkey show here when that was not before the Senate by any rule of the Senate, though there were some exhibits that evidently were in order; and the Senator from Indiana [Mr. WARREN] also had a cuckoo clock and a monkey show when that schedule was not before the Senate. I am sorry the Senator from Minnesota has got to rush off now, but he is in a hurry. [Laughter in the galleries.]

The PRESIDING OFFICER. The Senate will be in order and the galleries will observe the rule of the Senate.

Mr. CARAWAY. I do not like to charge the Senator from Minnesota with bad faith. Yet I know if the Senator had been here he would have voted to permit the House to adjourn until the 15th day of August. If Senators on the other side should secure the adoption of a cloture rule and should pass the pending tariff bill to-morrow, the Senator from Minnesota knows that that bill could not be sent to conference until the 15th day of August. If Republican Senators in fact wanted to pass this measure, as they now say they do, why was it that the President of the United States, why was it that the leaders of the Senate and of the House, by unanimous consent, agreed that the House should adjourn until the 15th of August? Such action is in bad faith and the country knows it, if this bill is desired passed now.

The Senator from Minnesota said he was willing to go to the country. The Lord knows he will go to the country, and the country will be glad when it gets a chance to speak. The Senator from Minnesota knows when he is talking about the country wanting action that he consented that there should be no action on this tariff bill in conference before the 15th day of August. I know that the country knows that because the country knows the Senator from Minnesota consented that there should be an adjournment of the House until the 15th day of August. The Senator from Minnesota knows and the country knows that with the House of Representatives not in session there can be no conference on the pending bill. Therefore the cheapest kind of gallery playing that I have seen is when the Senator from Minnesota talks about his anxiety to get immediate action, and the Senator from Missouri [Mr. SPENCER] asks unanimous consent for a vote on the 1st day of August, when each of them assented that there should be no conference on this bill before the 15th of August.

Oh, why waste all this time to call the attention of the country to the fact that Senators on the other side of the Chamber know the bill is bad and they do not want to pass it. I do not care what individual Senators say. They may go back and count the time consumed in debate, as disclosed by the RECORD for the last week or 10 days, and they will find that three-fourths of all the discussion—all the time wasted—has been on the other side of the Chamber. I said "time wasted." I will take that back, Mr. President. I do not know that the time was wasted. The party in power, which is going to the country, ought to have an opportunity to exhibit its incapacity to the country so that the country may pass upon it. The people are doing that.

The Senator from Minnesota said in his brief stay with us, just before he was ready to leave, that the country had weighed the Senate and was tired of it. Well, that is one statement to which the country is going to say "amen." Since the Senator from Minnesota became a Member of the Senate—I will not say it is solely on his account—but since he has become a Member of the Senate he says that the Senate has sunk lower in the respect of the country than ever before. He is right about that; and until the party now in power gets out there never will be any respect for the Senate nor for the administration. There is reason for that statement of the Senator from Minnesota, though there was not much for some others he made. Of course, the country is tired of the Senate; it is tired of the House of Representatives; it is tired of the administration; and it is showing every time it gets a chance that it is going to have a change.

I say, and say it with all courtesy, for I sincerely like the chairman of the Committee on Finance who brought in this bill—I know he is honest; I know he is courageous; he is able, and yet, with all the prestige acquired in 24 years of service in this body, with the administration back of him, with everything in his favor except public opinion, he went down in defeat last week, not by a restless city constituency but by the sturdy farmers of North Dakota. It was not because they did not love him personally, for I am persuaded that everybody who knows him loves him and respects him; but he was linked up with a bad cause; he stood shoulder to shoulder with a discredited party and suffered by reason of that fact and nothing else.

Mr. President, sometimes I am astonished that intelligent men should think that they can fool the people all the time. I think it was the great Abraham Lincoln who said you could not do that—that you could fool all of the people a part of the time and some of the people all the time, but you could not fool all the people all the time. The effort that is put forth by the majority party, with the full knowledge that it will fail, to pretend that they want cloture in the considera-

tion and vote upon the pending bill is not going to fool any of the people any of the time.

The Senator from Minnesota said he thought the four-power pact was before the Senate for six weeks or two months—I do not remember the exact length of time—but the treaty of Versailles, with his help, remained before the Senate for a year. He said that the revenue bill was before the Senate for a number of weeks, and that is true; but most of that time was taken up by Senators on the other side of the Chamber "jockeying" with each other about whether they should support one provision or another; and finally they got their President of the United States, Mr. Harding, to write a letter to the House to make it reject the amendment to reduce high surtaxes. The House, however, refused to follow the President, but followed the Senate.

Mr. KELLOGG. Mr. President, will the Senator yield to me?

Mr. CARAWAY. I yield with pleasure.

Mr. KELLOGG. Did I understand the Senator to say that most of the time consumed in the consideration of the revenue tax bill was occupied by Republican Senators?

Mr. CARAWAY. Yes.

Mr. KELLOGG. The Record shows that the remarks of Republican Senators occupy 281½ pages of the CONGRESSIONAL RECORD, while the remarks of the Democrats occupy 411½ pages of the Record. Of course, the Democrats may have talked very fast; I do not know as to that; but that is what the Record shows.

Mr. CARAWAY. Yes; and I think very likely they talked with more sense. I hope the Senator will read that debate, because he did not stay here and hear much of it at the time.

Mr. President, having ended this little pleasantries, which I have enjoyed so much, with the Senator from Minnesota, because, you know, everybody loves him, I am going to make a few remarks. I want to be accurate. They do not bear on the tariff bill; they do not have to do with cloture; but are suggested by a speech which was made by the President of the United States on the 4th day of July. They call attention to a condition that exists by reason of the President's sanction. It will take but a few moments.

PROHIBITION ENFORCEMENT.

Mr. President, the man responsible for the most open, flagrant violation of the eighteenth amendment and the Volstead Act is the President of these United States.

With the stroke of a pen he could close more barrooms than was ever given to any other one man to do within the history of the world.

Whether the Constitution and the law follow our flag when it goes to sea is a matter now some profess to doubt. Conceding for argument sake that it does not, the President could instruct the Shipping Board to close the saloons on all ships operated by the Emergency Fleet Corporation. If he believes in law enforcement, if he wants the sale of whisky prohibited, if he earnestly desires that all should stand equal before the law, he would say to Mr. Lasker, "We will not quibble about whether the law prohibits or permits the sale of liquor on American ships; the American people are opposed to the sale of liquor for beverage purposes. It is forbidden by the Constitution, which I took an oath to uphold. It is forbidden by an act of Congress, which I signed, and therefore these bars must be closed."

The President knows, all know, that were he to give such an order Mr. Lasker would obey it, for the Shipping Board and Mr. Lasker, its chairman, are the creatures of the President's creation, and as such take his orders and execute them. No apologist for the President, however partisan he may be, can deny this. Therefore, every ship that sails beneath the American flag, owned, operated, or leased by the Shipping Board sells whisky by the express or implied permission of the President of these United States. To-morrow all of them would be dry if he willed it. To-morrow all of them will sell whisky over their bars because he wills it. These criticisms of the President are particularly apropos, because he is quoted in his speech at Marion, Ohio, on July 4 with having given utterance to the following sentiment, which is copied from the Washington Post:

The eighteenth amendment denies to a minority a fancied sense of personal liberty, but the amendment is the will of America and must be sustained by the Government and the public opinion, else contempt for the law will undermine our very foundations.

It is fair to presume the President spoke after deliberation and with full knowledge. Therefore, can the President escape this conclusion? Can his apologists deny that he connives at the breaking down of public morale? That he does not seek to

prevent the destruction of the confidence of the people in law and order?

Oh, how different it is if the violator of the law happens to be an insignificant and perhaps friendless individual. In the same paper and on the same page where this declaration of the President appears urging that the eighteenth amendment be enforced I find the following article:

REARREST WAR VETERAN.

Charged with unlawful possession of liquor, Floyd E. Tomlinson, 30 years old, an overseas veteran who was injured in the Argonne Forest, completed a brief term in Baltimore this morning for unlawful possession of corn liquor and was promptly rearrested and brought to this city by Detective Bagby King.

Following his arrest in Baltimore, it is charged, revenue agents searched his room in this city and seized a quantity of the corn product. It is stated that Revenue Agent George Fowler, jr., was hired to drive Tomlinson to Baltimore to make the purchase, agreeing to bring the passenger and liquor here.

Here, an ex-soldier, a young man who went 3,000 miles from home and bared his breast to shot and shell in his country's defense, shed his blood in the Argonne Forest, wanted whisky. He was aided and abetted in this desire to get whisky by an agent, an employee of the Revenue Department, who doubtless suggested to him the place where the whisky could be bought. He bought it and was arrested and imprisoned in Baltimore for the possession of it. When his term of imprisonment expired, he was brought back to this city, the Capital of these United States, and again will be tried, convicted, and imprisoned because in his room which was searched in his absence was found whisky. What a commentary on this, the greatest Government in the world, when a former soldier is imprisoned for the possession of a quart, while the President of the United States licenses and permits the sale of thousands of gallons of whisky upon Government-owned property, both subject to the same Constitution, both amenable to the same laws.

Again, the Republican Party has posed as the friend and guardian of the negro. It is always extremely solicitous for his welfare when election time approaches. The Senate has been treated recently to the spectacle of the Committee on the Judiciary, by a partisan vote, reporting out the Dyer bill, simply to give Senator Lodge the negro support in his race for reelection. They are very, very solicitous indeed of the negro; but one negro here in the District of Columbia, inspired no doubt by the example of the President, seemed to think that whisky could be legally possessed on board ship. He is the owner of a boat, the *Madison Hall*. He was giving an excursion Tuesday evening to the people of his color. In the bar was 2 gallons of liquor. It is conceded that the owner was not aboard the vessel; there is no positive knowledge that he even knew the liquor was on board; yet he is to pay the penalty by the loss of his boat, worth a hundred thousand dollars. What was his offense? He in a small way imitated the methods that are pursued by American ships, and sought to attract traffic to his boat by the sale of liquor. He could urge, no doubt, the same excuse that Lasker pleads when he violates the law—that you can not run a boat without the sale of liquor. Why should that defense be good when urged by the Government of the United States, upheld by the chairman of the Shipping Board and by an alleged oral opinion given by Mr. Schlesinger, attorney for the Shipping Board, that liquor could be legally sold aboard American ships? But who is Mr. Schlesinger? He was of the firm of Schlesinger & Mayer, who were of counsel for all those who opposed temperance legislation. Mayer—Levy Mayer—is the man in whose hands a million dollars was placed to prevent the passage of the eighteenth amendment and the enactment of the Volstead law. Schlesinger was no doubt chosen by Lasker and the President, not because of his knowledge of maritime law but because, like the sea, he, too, is "wet." Why should this plea of necessity in behalf of the Shipping Board be concurred in by the President of the United States, and yet fail a negro, who is a citizen of the same country, subject to the same Constitution, and amenable to the same laws?

Oh, Mr. President, the President of the United States spoke more wisely than he knew when he said that violation of the law, when condoned and permitted, breeds contempt for law.

What a pity it is that those who are charged with the enforcement of law seem to think that they have discharged their full duty when they have imprisoned the weak and punished the ignorant!

The Secretary of War, Mr. WEEKS, a man of long and distinguished public service, recently said that the sale of light wines and beer should be permitted. No one doubts but that he spoke the sentiments of his chief. He must have expressed the views of the President of the United States. I am more persuaded of that fact after having read the views of two

Senators of the United States, both Republicans. I read from a paper of recent date the following:

WEEKS'S LIQUOR ADVOCACY RILES TWO SENATORS—FREELINGHUYSEN AND WILLIS SAY REMARKS OF WAR SECRETARY HURT O. O. P.
[International News Service.]

The "flare-back" from Secretary of War Weeks's recent utterances in favor of beer and light wines, and the abolition of the primary, is to-day causing considerable perturbation among Republican Senators who are candidates for reelection.

Senator Frelinghuysen (Republican), of New Jersey, who is facing a hot primary contest, is especially bitter in outspoken condemnation of the injection by Weeks of issues into this year's Congressional campaign, by which he has "made unnecessary trouble."

Senator Willis (Republican), of Ohio, said Weeks's advocacy of beer and light wine and attack upon the primary had been "exceedingly hurtful to his party at this juncture, and particularly to these Members of the Senate and House who are candidates for reelection."

In New Jersey, where Senator Frelinghuysen is standing for absolute enforcement of prohibition, and is being supported by the drys, it was stated the wets of both parties were already making political capital out of Weeks's favoring modification of the Volstead Act so as to permit the manufacture and sale of beer and light wines.

Frelinghuysen exclaimed he was now being charged by his opponents with "lying in the face of the administration" because of his championship of law enforcement, while Weeks was being pointed out as the real spokesman for the administration in urging beer and light wines, and deprecating the Volstead Act as it is now constituted.

The New Jersey Senator declared the "wet" propaganda, coupled with Weeks's name which is now being broadcasted in his State, is proving helpful to Governor Edwards, running for Senator on a "wet" platform, and "decidedly harmful" to himself.

If it be not impertinent, I should like to ask the President of these United States, the Attorney General, the chairman of the Shipping Board, and the leaders of the Republican Party in both Houses of Congress if it is a part of their program, when they shall have put through a ship subsidy and have transferred all of the vessels now owned by the Government to private ownership, to give to the purchasers of the vessels so transferred a guaranty that they shall have with the ship and the subsidy, wrung from the taxpayers of America, a license also to sell intoxicating liquors? All know that it is the intention of this administration, so long as it is in power, to permit the sale of liquor upon American-owned ships within and without the 3-mile limit as long as these ships belong to the United States. Certainly, then, the administration would not contend that it itself could violate the law, but it would refuse to permit the violation of this law as soon as these ships became the property of private owners. In other words, the President of the United States and the administration could not afford to say that it is lawful, that it is right, that it is just and necessary, and therefore permissible to sell whisky upon a Government-owned vessel, and wrong and illegal and therefore not permissible to sell whisky upon privately owned vessels. Therefore, the American people must know that as long as this administration continues in power whisky will be sold upon American-owned vessels within and without American territory. Yet I want to repeat what I said the other day, that no one can honestly contend that every American ship that now sells whisky within and without the 3-mile limit is not violating the eighteenth amendment and the Volstead Act. The Shipping Board at one time recognized that it was so, and denied that liquors were being sold upon American vessels. It has since changed its attitude, admits the sale, and rather boasts of it. The present Attorney General filed a brief in a case then pending in the Supreme Court of the United States in which the following correct enunciation of law was made:

The plain object of the eighteenth amendment and the Volstead Act was to destroy all traffic in or dealing with intoxicating liquor.

The amendment and act clearly were intended to prohibit the possession or transportation of liquor for beverage purposes, whether for consumption within the United States or not.

The proceedings in Congress evidence the legislative intention to prohibit all possession and all transportation except as specifically authorized.

It was the unanimous view of Congress that all transportation of liquor should be banned.

The prohibition on transshipment of liquor will not be read out of the act on the ground that as applied to such transshipment it has extraterritorial effect.

The Supreme Court, in a case handed down May 15, 1922, Grogan against Walker, said:

The eighteenth amendment meant a great revolution in the policy of this country, and presumably and obviously meant to upset a good many things on as well as off the statute books. It did not confine itself in any meticulous way to the use of intoxicants in this country. It forbade export for beverage purposes elsewhere. True, this discouraged production here, but that was forbidden already, and the provision applied to liquors already lawfully made. See *Hamilton v. Kentucky Distilleries & Warehouse Co.* (251 U. S. 146, 151 N. 1). It is obvious that those whose wishes and opinions were embodied in the amendment meant to stop the whole business.

In the case of *Cornelli against Moore*, on January 30, 1922, appears this language:

Section 3 is comprehensive in its prohibition, and it takes pains to provide that it shall have such liberality of construction as to achieve its declared purpose.

In the case of *Wilson v. McNamee* (102 U. S. 572) appears the following:

A vessel at sea is considered a part of the territory to which it belongs when at home, and the jurisdiction of the local sovereign over her and over those belonging to her is, according to the law of nations, the same as when she is in the home port.

The former Acting Attorney General, William L. Frierson, rendered this opinion:

(2) The eighteenth amendment by its terms applies to the United States and to "all territory subject to the jurisdiction thereof." The national prohibition act does not contain any language limiting the territory within which it is to be in effect. It simply enacts that certain transactions with respect to intoxicating liquors shall be unlawful, and provides "that any person" who violates its provisions shall be punished. It is clear, therefore, that this legislation prescribes rules of law which shall be in force wherever the laws of Congress are applicable. By virtue of the eighteenth amendment Congress is empowered to legislate on this subject without regard to State or other lines, and with respect to all territory subject to the jurisdiction of the United States. Except, therefore, as its operation in particular possessions of the United States may be limited by special statutes applicable to those possessions, the national prohibition act is in force throughout the jurisdiction of the United States. The question, then, is whether it furnishes rules of law which govern those on board an American vessel. That it does not apply when the vessel is in American waters I think no one will doubt. The question, then, is whether it applies when the vessel is on the high seas or in foreign waters. This question, I think, can now present no serious dispute. It was said in *St. Clair v. United States* (154 U. S. 134, 151):

"A vessel registered as a vessel of the United States is in many respects considered as a portion of its territory, and persons on board are protected and governed by the laws of the country to which the vessel belongs."

It follows, therefore, that persons on board an American vessel, wherever that vessel may be, are governed by the laws of the United States to which they would be subject if within the United States. Indeed, the jurisdiction of the Federal Government over them is much broader than when they are within the United States. In the latter case, with respect to the great bulk of criminal laws, they are subject to the jurisdiction of the various States and not to that of the United States. The various States, however, have no jurisdiction even of their own citizens when on the high seas. For this reason Congress may enact, and the Federal Government may enforce, criminal laws for the purpose of punishing offenders for offenses committed while on the high seas which it would not be within the power of Congress to make applicable to the same offense if committed within one of the States. Thus, Chapter III of the Revised Statutes, beginning with section 5339, contains a long list of offenses which, if committed within one of the States, would be beyond the power of the Federal Government to punish, and provides that when committed upon the high seas they shall be punished by the Federal Government. In such cases it was, of course, necessary to have a special statute, for the reason that Congress has no power to enact laws for the punishment of murder and other offenses mentioned in Chapter III of the Revised Statutes to be applicable generally throughout the United States. Any law, however, enacted by Congress within its power and made of general application is a law to which persons within the criminal jurisdiction of the United States are subject. The criminal jurisdiction of the United States is necessarily limited to their own territory, actual or constructive. After making this statement Mr. Justice Field, in *United States v. Smiley* (6 Sawyer, 640, 645), stated the rule of law determining the territory subject to the criminal jurisdiction of the United States as follows:

"Their actual territory is coextensive with their possessions, including a marine league from their shores into the sea. * * * The constructive territory of the United States embraces vessels sailing under their flag; wherever they go they carry the laws of their country, and for a violation of them their officers and men may be subjected to punishment."

It was for this reason that the Supreme Court said, in *St. Clair v. United States*, supra, that persons on board a vessel are protected and governed by the laws of the country to which the vessel belonged.

The eighteenth amendment empowers Congress to enact laws applicable wherever the jurisdiction of the United States exists. The national prohibition act is a law of such general application. I can not doubt, therefore, that it applies to those on board American ships, whether in American waters, on the high seas, or in foreign waters, equally with those in any of the States of the United States.

Respectfully,

WILLIAM L. FRIERSON,
Acting Attorney General.

The SECRETARY OF THE TREASURY.

That remains the correct interpretation of the law, because no court has held to the contrary. But this administration puts itself in the humiliating position of declaring that an American ship is not subject to American laws, not amenable to any act of Congress. It would follow, of course, that American commerce upon the seas is not entitled to the protection of the law. One inevitably follows the other. This administration declares in its acquiescence in the conclusion that a ship is above the law; that it is a sovereignty within a sovereignty, and owes no allegiance to the Constitution and the laws.

The following sample of advertising that is now flooding the country foretells what is to follow such a course. Here is a sample:

EUROPE BROUGHT TO NEW YORK CITY.

We reiterate that the purpose of this vessel is to make available to this community samples of European entertainment; a world novelty of fascinating interest brought close to New York City. The first and only opportunity for millions of Americans to experience for themselves the atmosphere of Paris, London, Madrid, and Pekin truly represented.

If the serving of genuine wines, beers, and champagne is a natural and lawful part of such entertainment, such serving will not constitute the object of the American recreation vessel, but it would be an appro-

priate incident in an atmosphere of festivity, enchanting orchestration, the most beautiful of Europe's women, selected for their artistic ability as exponents of classic and fancy dancing and operatic singing, and a feast prepared by the best chefs from abroad.

Consider the viciousness of the entertainment that they offer. All of these pleasures are for the rich. The sale of liquors, the bacchanalian dance, the immorality and lewdness implied, are for those who are able to go down to the sea in ships. The workingman, the farmer, the soldier, the ignorant negro, who seeks to convey to his home a quart of liquor and provide his friends with a drink, is sentenced to jail, the chain gang. The dignity of the law must be upheld, for the President of these United States in his Fourth of July declaration proclaims that the violation of the eighteenth amendment breeds contempt for all law; but no doubt he gave utterance to that noble sentiment with the reservation that the violation of this law by the poor, the ignorant, and the helpless is to be condemned, but the violation of this law by the rich, powerful, and pleasure loving, the social elite, is to be commended. The President of these United States provides a prison for the one and a ship loaded with fine liquors for the other, and yet he is the President of these United States and of all the people therein—the rich, the poor, the high, the low. He smiles on one, however, and smites the other. One man is ordered to jail for possessing a quart; the other may reel in his drunken revelry on board ship owned and operated by the United States and under the control of the President of the United States and be commended.

Such is law and such is sentiment as long as Warren G. Harding is President of the United States and Harry M. Daugherty is the Attorney General. But against this all Christian Americans protest.

Mr. McCUMBER. Mr. President, I have deemed it inappropriate for me at this time to give any expression whatever concerning the late primary election in my State, but the statement of the Senator from Arkansas [Mr. CARAWAY] just made to the effect that this election reflected any view upon the pending tariff bill was so wide of the mark that I feel I can not let it go by without correction.

I desire to state now that the tariff bill and the tariff question were never considered in the slightest degree in the recent contest in the State of North Dakota, and you will look in vain through the press of the State or through public utterances for any indication that was an issue in the State.

Mr. President, there are some things that are worth more to an honorable man than the retention of a seat in the Senate, and one of them is the retention of a clear political conscience and the realization that he has stood by what his judgment and sense of right indicated was the proper course. That course I have followed, and I am expressing no regret whatever that in choosing between the two my decision was in favor of retaining my own convictions of right and propriety. There may be a time when I will express what the real issue was in my State, but if I do it will only be because it may have some bearing upon questions of general public interest.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent to have printed in the Record and referred to the Committee on Finance certain resolutions adopted by the Vineland Central Labor Union and indorsed by various other labor organizations in favor of a protective tariff.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the Record, as follows:

CENTRAL LABOR UNION OF VINELAND, N. J.,
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR,
Vineland, N. J., June 28, 1922.

Senator JOSEPH FRELINGHUYSEN,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: At the regular meeting of the Vineland Central Labor Union, held Thursday, June 29, the following resolution was adopted:

"Whereas many workers of this country have been out of employment for many months; and

"Whereas cheap goods are coming into our ports from Europe in competition with American-made goods, but sold to the consumers at a price below American manufacturing cost; and

"Whereas, if those conditions are allowed to continue, our workers will still be in the army of unemployed, causing untold suffering to our workers and their families and lowering the American standard of living by low wages and long hours: Therefore be it

"Resolved, That we go on record favoring the speedy enactment of the tariff bill now pending in the United States Senate based on American valuations; and be it further

"Resolved, That a copy of this resolution be sent to Senator JOSEPH FRELINGHUYSEN and Senator WALTER EDGE with a request to vote for this bill."

This resolution was indorsed by the following local unions of Vineland:

Local Union No. 44, American Flint Glass Workers, 340 members; Local Union No. 132, American Flint Glass Workers, 280 members; Local No. 620, Carpenters and Joiners, 210 members; Local No. 40, Masons, Bricklayers, and Plasterers, 180 members; Local No. 473, Electrical Workers, 190 members; International Lady Garment Workers, Local No. 119, 320 members; Local No. 208, Amalgamated Clothing Workers of America, 515 members; Local No. 119, United Shoe Workers, 260 members; Local No. 129, United Shoe Workers, 220 members; Stage Employees, Local No. 673, 80 members; Local No. 595, Musicians of America, 310 members; Laborers and Helpers, Local No. 470, 330 members. Guy Cavaganaro, vice president; Estrella Cummins, secretary.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the committee, which the Secretary will state.

The ASSISTANT SECRETARY. On page 102, line 19, in the committee amendment relative to fish, after the words "2 cents per pound," it is proposed to insert the following proviso:

Provided, That from and after 90 days after the enactment of this act no fresh or frozen halibut, salmon, or swordfish from the North Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country, except when the same shall be in bond from an American port.

Mr. KING. May I inquire of the Senator from Washington whether that is prohibitory of the importation of those fish?

Mr. JONES of Washington. Not at all.

Mr. KING. They have to be received in bond?

Mr. JONES of Washington. Yes; to come in in bond if coming from an American port. In other words, if fish are gathered at Ketchikan, they can be bought there and sent to Prince Rupert and on over the Canadian Pacific in bond to the eastern market.

Mr. KING. I am not sure that I understand the significance of the amendment. As I interpreted it, as it was read by the Secretary, it would seem to prohibit the importation of any of the class of fish referred to unless they come in bond.

Mr. JONES of Washington. They come through a foreign country in bond to the United States. They must start in bond from an American port.

Mr. McCUMBER. When they are caught, if they are sold in a Canadian port they can not be shipped into the United States at all.

Mr. JONES of Washington. Certainly; they must be taken to an American port.

Mr. McCUMBER. They must be taken to an American port out there.

Mr. JONES of Washington. That is exactly what we want to have done. That is what the Canadians have been doing in reference to their ports for a good long while.

Mr. KING. As I understand it, if an American fisherman should catch fish opposite Canadian territory and take them there and have them cured or salted and ship them to the United States they could not be received at all except in bond, to be transhipped to some other country, even should he pay the tariff?

Mr. JONES of Washington. He can take them to an American port; the American port is nearer the fishing grounds than any Canadian port.

Mr. KING. Suppose an American fisherman, or a Canadian fisherman, for that matter, should make a catch of fish, land the fish, and cure them upon Canadian soil, intending to ship them to the United States for use in the United States after they were cured. As I understand the amendment, he would be forbidden from doing that, even though he were willing to pay the tariff.

Mr. JONES of Washington. He probably would not land them there. He would land them at Ketchikan. Of course, if this amendment is adopted, if he saw fit to land them at Prince Rupert he could not send them into the United States in bond.

Mr. KING. But could he send them into the United States for use in the United States by paying the tariff?

Mr. JONES of Washington. No. All he would have to do would be to go to Ketchikan, which is the nearest place for him, as far as that is concerned. The halibut fisheries, as the Senator knows, are deep-sea fisheries. They are not along the coast; they are out in the ocean, and, really, the nearest place to land them is Ketchikan. So it would not work any hardship on anybody. If this amendment is adopted, what the Senator stated would be true—they must be shipped in bond from an American port, or they could not come in bond into the United States.

Mr. KING. It practically provides, then, that an American, or a Canadian, or anybody else, who catches fish and lands them upon Canadian soil or Mexican soil, where they are cured, may not ship them into the United States, even by the payment of the tariff duty?

Mr. JONES of Washington. Yes; that is what it provides. That is exactly what the amendment says.

Mr. KING. What becomes of the Senator's idea of some sort of freedom of action, freedom of contract, freedom of trade, when you are willing to pay the tariff duties which are imposed?

Mr. JONES of Washington. Mr. President, there can be no practical difficulty about it.

Mr. KING. But it is the principle involved. It seems to me it is a monstrous proposition to say that, although I am willing to pay the tariff, if I happen to land the fish which I caught in Newfoundland or some other part of Canada, or Mexico, or in Cuba, and they are cured or iced, and I am willing to pay the tariff imposed by law to ship into my own country, I can not do it.

Mr. JONES of Washington. I think probably I made my statement a little too broad. If they are imported from Canada, entered at the customhouse there, without being shipped in bond, there is nothing to prohibit them from coming in after paying the tariff. It is only when they are shipped in bond that they are prohibited, except as they come from an American port.

Mr. KELLOGG. The amendment provides that they can not be shipped here at all, except in bond, from an American port. That is the point. It absolutely prohibits any importation of fish from Canada unless they first come into Canada from an American port in bond. That is what the amendment says.

Mr. JONES of Washington. I ask that the amendment be read.

Mr. KELLOGG. If the amendment had named Canada, which is intended, of course, it would be a violation of every treaty we have.

Mr. JONES of Washington. It is no more in violation of a treaty than the action of Canada is in violation of a treaty. It is a very strange thing that foreign countries can do things to us and not be violating a treaty, but we can not do things against them without violating a treaty.

Mr. KELLOGG. With all that the Senator read, he has not read a single article that I have heard which indicated a prohibition of the importation of fish into Canada.

Mr. JONES of Washington. I read many discriminations. Of course, I am not trying to find just the specific example of action upon the part of Canada exactly like ours. I would like to have the amendment read. I want the Senator to note the exact language of it.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The ASSISTANT SECRETARY. On page 102, line 19, after the words "2 cents per pound," in the committee amendment, add the following proviso:

Provided, That from and after 90 days after the enactment of this act no fresh or frozen halibut, salmon, or swordfish from the North Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country, except when the same shall be in bond from an American port.

Mr. JONES of Washington. The amendment expressly declares that they shall not be admitted into the United States through a foreign country except when they are bonded from an American port. That is exactly what we desire to do. It is exactly what our Democratic friends sought to do in the Underwood-Simmons Act when it was pending here, and it was a very patriotic thing, in my judgment.

Mr. HEFLIN. Mr. President, more important than the protection of fish in the Pacific Ocean is the protection of the rights of the American people in this body. We have to-day witnessed a strange spectacle. The Republican Party, in control of the Congress and the executive branch of the Government, comes here with a resolution to suppress free speech in this body. It has been the boast for a long time that measures might be hastily considered in the House, but in the Senate there was full, free, and unlimited discussion; that this was, indeed, a deliberative body. But we now find the cohorts in control growing impatient, seeking to apply House rules to the Senate and to destroy this as a great deliberative body, to suppress free speech, if you please, for that is what it means.

When we were in the majority the present Democratic leader, my colleague [Mr. UNDERWOOD], offered a suggestion to limit debate at a time when this country was involved in war. Rights and liberties of the people were involved and imperilled. It was sought then to make it possible to secure speedy action on war measures because the boys on the battle front were en-

titled to have war supplies sent to them in abundance. It was necessary to keep them supplied with the sinews necessary to win that war. The suggestion was made, I say, in time of war, that some form of limitation be placed on debate. But what do we find to-day? In the aftermath of the war, in peace times, if you please, we find the Republican side invoking cloture to hasten the action of the Senate upon the most obnoxious, the most objectionable, the most oppressive and tyrannical tariff measure ever presented to any legislative body.

Who invokes this cloture in the Senate? Is it the American man and woman who is going to have money taken out of his pocket or her pocket by the operation of this law? Is it the masses of the people who, by the provisions of this bill, have the very salt that goes in their bread taxed? Are they asking for cloture that you may hasten this pillage and plunder of them? No, Mr. President; not they in the rank and file out yonder, who are never consulted by your party. It is the tariff barons, who are going to contribute to your campaign funds the sinews of political war for the coming election. They are bidding you invoke cloture in this Chamber.

The Senator from Minnesota [Mr. KELLOGG] told us this morning that the question was whether we would do the business of the people or continue to drag along. The issue squarely up to the Senate is whether you are going to do the bidding of the boodle bosses in America or stand by the ancient landmarks which have preserved law and order in this country on many occasions in the past.

Bolsheviks are made by your administration, by the injustice that you show through governmental favoritism to one class to the great injury of another class, by the employing of the taxing power to enrich one group of people to the impoverishment of another. Anarchists are springing up, socialists are multiplying, Bolsheviks are increasing, and here you are undertaking to increase still further their number by shutting off free speech and putting through under whip and spur this miserable and monstrous tariff legislation.

Senators, this performance will rise up to haunt you in the years to come. It will be a specter that you will point to many times and say, "We did wrong when we invoked the cloture rule to tax one class to enrich another." Why are you invoking it? Are you invoking it to pass a bill that will require those who control the fiscal policy to let money sufficient go out where it is needed and credit be extended to those who must have it to carry on their business? Not a bit of it. In whose name do you invoke it? You invoke it in the name of 4,000 tariff barons, 4,000 men who are going to be made as rich as Croesus by the operation of this proposed tariff law.

Mr. President, the Republican leader of the House boasted the other day in a newspaper statement that they had saved or taken off of certain taxpayers \$900,000,000. When I read those lines I said, "Yes; they have taken off of the big millionaires, those most able to pay taxes, \$900,000,000 and more, and they are undertaking in this very bill to put that and much more upon the backs of the people who are least able to pay taxes." I would that the American people knew exactly what is going on here. There never has been a time in the history of this Government when the graft gang held high carnival in the Nation's Capitol as it does to-day. I would to God that the people knew the absolute truth.

Look at your newspapers, just filled up with column after column of propaganda demanding a ship subsidy. Here you are with a bill which seeks to put upon the backs of the American masses more than \$3,000,000,000 of taxes upon the necessities of life. You take the taxes off of luxuries and you are putting them upon the common necessities. You are driven now to great lengths in your desperation. Fearing that those who hold the purse strings for your campaign fund will not give you money to go out and try to buy seats again, they are able to make you come into this body, into this historic Senate Chamber of the United States, and invoke the cloture rule to cut off free speech, to kill debate, to suppress amendments, to tie the hands of those who dare to speak in this body for the rank and file of the American people.

That is what we witness here, Mr. President. The Senator from Massachusetts [Mr. LODGE] told us that in his long service here he had witnessed eight tariff discussions, but that this one had extended over a longer period of time than any other. Well, Mr. President, that is easily accounted for. There never has been a bill that had so many objectionable features jammed into it as has this bill. Look how long it took on the House side to frame this thing up. It was a monstrosity when it came over from the House, and here you are with your committee sitting for months and months and months behind closed doors, with not a Democrat present, working out your scheme, agreeing upon your schedules, putting them in the

bill, and bringing them into this body. We never knew what was in it until you submitted it. We have been reading it and trying to change it, and have changed it in some instances, and we want an opportunity to show where you are wrong, to show the people whose Government this is that you are oppressing and robbing them, and now we have you whipped to a standstill in the forum of fair debates in the Senate. You are whipped before the American people. A large portion of the press is lashing you for the provisions contained in the bill, and now in order to jam the thing down the throats of the American people you are going to pull down the curtains, blow out the lights, and ram it down their throats without letting them know what is in it. Then you will go to the country and try to fool the people by saying that you have done this thing in the interest of the people.

Here you come into this Chamber asking for a cloture rule at the behest of the tariff barons who have always flourished when your party was in control, while the masses of the people were made to suffer in many ways. You make it difficult for them to get the common necessities of life. You take the tax off of the luxuries, you take the taxes off of the back of the big income-tax payer, and then with a flourish of trumpets boast that you have relieved them of \$900,000,000. Then you come in here without the slightest tinge of regret or shame upon your faces and write into a tariff bill taxes that will wring from the masses of the people more than \$3,000,000,000 a year. You have taken it off of those most able to pay it and put it upon the backs of those least able to pay.

Mr. President, the Senator from Minnesota [Mr. KELLOGG] said the American people are sizing up the Senate. Thank God for that. They are sizing up the Senate! It is time that the American people were waking up to what is going on in their Senate. Sizing up the Senate? What will their judgment be of this cloture move on your part? Cloture rule? You sat here with your lips sealed and your arms folded and permitted the House, a Republican House, to adjourn and go off to look after its political fences, playing politics when we are here wrestling in the heat of the summer with the most damnable tariff measure ever foisted upon a free people. Yet you permitted the House to adjourn. They are gone for a month and a half. When you know the House can not consider this bill until the 15th of August, even if we should pass it, we find you bringing in here a cloture program to kill debate in this body.

The Senator from Minnesota says the people are sizing up the Senate. They are. I want them to continue the sizing-up process. The more they size you up the fewer of you there are going to get back here.

Mr. President, the junior Senator from Mississippi [Mr. HARRISON] threw out a suggestion this morning that deserves serious consideration. What mysterious power is it that is employed on the Republican side to take a man who comes in here a red-hot progressive, with a good many Democratic convictions and principles in his make-up, and cause him to be hypnotized and go to sleep, and when he wakes up he is a hard-and-fast reactionary, hard-boiled standpatter? What is it? What power is it, Mr. President, and who is it that can wave the magic wand over the eyes of those who come in this fashion and put them into the long sleep that brings complete obedience to the commands of the standpatters who control the Senate to-day? Talk about progressivism. It is dead in this body on the Republican side except for a handful, as we see it, in four or five Senators over there. We do not hear progressive notes and forward march orders sounded now except on the Democratic side. There are only a few progressives left on the other side of the Chamber. Most of them are old-time, standpat reactionaries. They just sit there and when the big interests say, "Cloture," they say, "Cloture" is the word, and they all "clote" at once. [Laughter.]

Bob Taylor used to tell a story about nine brothers who all slept in one big bed, and when they got ready to turn over one of them would holler "Spoon!" and they would all turn the same way at the same time. He said one day one of them was out on a springboard reaching out over the river where the water was 10 feet deep. He had gone out there fishing and was lying on his chest and had gone to sleep. One of the boys on the bank saw him out there and hollered "Spoon!" and he turned over and went head over heels into the water. [Laughter.]

That is the way you Republicans do. A good progressive comes in here and you proceed to teach him to "spoon." You first make him doze and then you put him to sleep and holler "spoon" and over he goes into the tariff barons' pond.

Mr. President, I called attention here one day, in replying to the Senator from Indiana [Mr. WATSON] and the Senator

from Ohio [Mr. WILLIS] when they said that the tariff bills away back yonder were disposed of in 10 days' time or two or three weeks, and another in a month or five weeks, that one of those bills had only 100 items in it, and another one a hundred and fifty items or two or three hundred items, or something like that. Here we have a bill with 4,000 items in it and over 2,000 amendments that you have suggested yourselves, and then you talk about somebody on this side trying to filibuster. We are not filibustering. We are simply making a game fight against the nefarious and obnoxious and oppressive provisions of this very bad bill.

Mr. President, complaint is made that a good deal of time was consumed in discussing candy and nuts, and candy with nuts in it. I saw you Republicans put an almost prohibitive tax on those items. I thought of the saying, "It is like taking candy from a child." I saw the Republican Party literally take candy from thousands and hundreds of thousands of the children of the United States. The price will go up and up. You have made times so hard that they can hardly get bread and meat, and when they want a little something sweet with some of these delicious nuts, the heavy tax hand of the Republican Party is laid upon that item, and because we protested against it and fought for the children of America, millions of them, you criticized and scolded us.

Mr. President, what should we do? Should we sit down here and say, "All right, go ahead and pass your bill; we know it is wrong; we know it is wrong for you to tax salt; we know that salt ought to be as free from taxes as the air that we breathe; you ought not to be permitted to put a tax upon the salt that saves and seasons meat and goes into the people's bread." Are we to sit here and say nothing and permit you to do it without entering our protests? Should we permit you, without making a protest, to tax the knife and fork with which the man and the woman and the boy and the girl must eat? Why should you be permitted to take money out of my pocket for a knife and a fork with which to eat in order to sustain life that God has given me, in order to make the man who manufactures the knife and fork a billionaire in the United States? What right have you got to do that by law? If I permit a man to do that to me in a private transaction that is quite different, but any party that will employ the taxing power to make one man rich and another man poor deserves to die at the hands of the American people. What right has the Republican Party to do that?

The Senator from Minnesota [Mr. KELLOGG] said that the opinion of the American people of the Senate was not flattering. Are Senators surprised at that? I saw Senators on the other side of the Chamber vote to sell a seat in this body; they bartered it just like a man would sell a commodity in the market place. Are Senators surprised that the opinion of the American people of a party that will do that is not flattering?

Mr. President, the seats in this body are supposed to be occupied by two Senators from each of the sovereign States of this Union. Those Senators are supposed to stand here and defend the rights and the interests of their people and to protect this body and this Government against all enemies, both foreign and domestic. When somebody buys a seat in the Senate and the question is put to the Senate and the Senate ratifies the sale, do Senators blame the American people for having a poor opinion of the Senate that did that? The party that will do that ought to be driven out, and I pray God they will be when the election time comes. Is it any wonder that the people have a poor opinion of the American Senate when it will do that?

Following that, what do we see? We see a tax bill brought here, after the tariff barons have gathered like vultures on the battle plain, where the soldiers stricken down, their lifeblood oozing out, with nobody to defend them, lie helpless against the assaults of these vicious vultures. There they gathered. One could hear the whir of their wings; the air was thick with them, and the sky was black as they gathered for the feast. That is what we witnessed here in the gathering of these hungry and merciless tariff barons. The Senate Finance Committee met in the committee room. These men swarmed up and down the corridors; they hovered around the doors of the committee room. They were admitted. Each one told what he wanted. Where were the poor fellows out yonder upon whom these men were going to pounce and take from their hard earnings? Who was there to speak for them? Nobody. The door was shut and the committee said, "Mr. Tariff Baron, what do you want?" "Why," he says, "I want this rate. I will show you who I am. There is a check that I contributed to your last campaign fund." "Have a seat; have two seats." [Laughter.] He takes the seat and he gets exactly what he wants written into the pending bill. Then the committee let him out and another one comes in. He says, "I am of the

same order, except that I gave two checks." Then the committee said to him, "Have as many seats as you like." And he was seated. "What do you want?" "Why," he said, "I want this rate (naming it)." The committee said, "That is pretty high, isn't it?" Every now and then a member of the committee would say that until the other members would nudge him. "That is pretty high, isn't it?" Another member of the committee would say, "Do not say anything to this fellow; he furnished the main sinews of war."

But there was nobody speaking for the masses out yonder. The tariff barons were getting ready like the vultures to pounce down upon the helpless people and say, "Hold up there!" A consumer asks, "Why are you holding me up on the highway? I am buying this stuff with which to feed my wife and children, to keep them from starving. What right have you to take my substance from me?" "Why," the tariff baron says, "I do it by law; Congress gave me the right to pillage and plunder you; I have got a license; here it is. It is written in the law. Congress passed it; the President signed it; and I am here by authority of law. I am the tax gatherer of the Republic, made so because I contributed to the campaign fund of the Republican Party; and I made them use the taxing power of a hundred million people to enrich me and to impoverish you."

Senators on the other side of the Chamber do not dare to meet us on this side in open debate; they do not dare to stand face to face in this forum and fight this contest out in order that the debate may go into the Record each day and the American people may see and know what is going on here. Senators on the other side of the Chamber are seeking now to put out the light, to shut off debate, to close the Record to the truth, to jam this bill through, and again fool the American people.

Oh, Mr. President, has the Senate become a bargain counter? In 1909, standing on the other side of the Chamber but a little distance from where the senior Senator from Utah [Mr. Smoot] now sits, Dolliver, intellectual giant and big-hearted, brave American patriot from Iowa, stood amongst his brethren like Saul, head and shoulders above them all, and said, "Senators, I say it with regret, but Congress has become a bargain counter."

Oh, Mr. President, what an arraignment was that! A bargain counter! The good women who sit in the galleries know what a bargain counter is. It is a place where goods are exposed for sale and where you can go with your purse and buy what you want and get a bargain when you buy it. And Dolliver, one of the greatest of Republican Senators who ever sat in this body since I have been in Congress, said that Congress had become a bargain counter. He said that when the Payne-Aldrich tariff law was under consideration; he said that when you had increased the tariff rates higher than ever before; he said that when fewer items were proposed to be taxed than will be taxed under this bill.

What would he say if he could look down from the parapets of the sky and see this Chamber in which he stood four square to every wind that blew, defying everybody and everything that sought the injury of his country; what would he think to look back in this Chamber where he performed so magnificently in the days gone and his eloquence rang like a trumpet call through these corridors; what would he say if he could look back now and see you taxing the salt that goes into the people's bread, the swaddling clothes of the infant, the wearing apparel through life, the winding sheet of the dead, the coffin, and the tombstone that stands over the dreamless dust of the departed? What would he think if he could come back now and behold 52 Senators on the other side of the Chamber signing the death warrant of free speech and an open forum in the Senate?

Oh, Mr. President, and for what purpose? Is the enemy at the gates of the Republic? Is an invading army threatening from a foreign land? Is that why free speech is to be suppressed and a deliberative body destroyed? Is that why Senators are driven to this extremity? Is that why they have grown desperate and wish to invoke cloture? No. But what is the noise then that we hear if it is not that of an invading army? It is the noise of the tariff barons of the Republic, hungry for the fleshpots of Egypt, hungry for the feast time such as they used to have when they drank up the substance of the American people, flourished in their evil doing, clipped their coupons, and grew rich in a little while.

Who are they? The tariff barons. And what do they demand? They demand that debate be shut off. What do they say? They say: "You are not going to get this bill through, and not only that, but the Democrats may carry the House in the coming election, they may cut down your number in the Senate, and the whole thing may be tied up and this bill defeated after we have spent the enormous sums of money we did in helping to elect you in 1920, and we want action; we demand action."

The Senator from Minnesota said the question is whether we will do the business of the people. The question is, I repeat, whether we will do the bidding of the bosses; that is the question. Mr. President, after this measure has been thrashed out and the items gone over and debated and the objections to them pointed out and called to the attention of the people, it is all right if in the final showdown the majority shall pass the bill. We shall not then complain, because we will have had an opportunity to tell the truth about the bill to the people whom it affects, but when you undertake to shut off debate and make it impossible to offer an amendment then a different question is presented. That is what your cloture will do, for under it not an amendment may be offered. If it were to be shown to the other side by this side that the present rates ought to be changed, if the proposed cloture rule shall be adopted, the Senate will be powerless to undo a wrong perpetrated against the American people. Then you wonder why we should oppose your cloture rule.

Mr. President, the Senator from Massachusetts [Mr. Lodge] yesterday afternoon grew impatient that the minority was vigorous and was consuming more time than he thought we ought to consume. The country now knows that the money power of this Republic is seeking absolutely to control this body and to suppress criticism of any of their reprehensible doings. Yes; they are trying to do that. The Senator from Massachusetts intimated that both sides ought to get together and just let this bill go through. It will be a sad day for the American people, God knows, when they do control this body to that extent when neither Democrats nor Republicans will speak out against the evils seeking to be practiced upon the people.

Mr. President, that day never will come with the Democratic Party. That party never yet has bowed the knee to Baal, and it never will. Thank God, it believes in an open field and a fair fight for the rights and liberties of the American people. No wonder it opposes your cloture rule, which seeks to shut off debate and keep the country from knowing the truth about this measure. Suppose Congress should finally adjourn and we should all just fold our arms and say, "All right, go ahead; the weather is hot; we should like to get away." I would love to go to visit some of the springs and summer resorts in my State and be amongst the best people in all the world. It would be exceedingly pleasing to me personally; but, Mr. President, if I am willing to stay here and some of the Senators on the other side are willing to stay here and prolong this debate, because they feel that it is their duty to do so in the interest of right and justice to the whole people of the United States, why should you be permitted to come in here with a cloture rule to shut off free speech, to kill debate, and jam this thing through?

Mr. President, I frequently think about the Scripture:

Choose you this day whom ye will serve. Ye can not serve God and Mammon.

That question, in a little different form, is up to the Senate. "Choose you this day whom ye will serve"—the American people, right, truth, justice, or the emissaries and agencies of Mammon. That is the issue in this body. Do you not know that you would not bring in that cloture rule here if the tariff barons were not urging it? Do you not know that they are afraid that we will carry the House and reduce your number in this body, and endanger the passage of this thing finally if it is delayed? Do you not know that they see a Democratic minority, with a little aid from the other side, standing between the American masses and the hungry taxgatherers of the Republican Party? They know that.

Mr. President, the people are not going to be deceived. It is hot and it is hard work to have to condemn these things and point out these doings to the American people, but it is our duty to do it.

In conclusion I want to say a word about the Senator from Missouri [Mr. SPENCER]. He asked unanimous consent that we just go ahead and proceed to vote on the bill now. Would not that have been a delightful situation? He will refer to that, or somebody else will, that we did not want a vote; that he asked unanimous consent and the Senator from Arkansas [Mr. ROBINSON] objected. Of course he did. Why not object? Do you think we will give you consent to vote on provisions in that bill that we know are wrong; that we know have no place in this legislation; that we know will be oppressive to the people that they affect and make rich those who are the instigators of the items? Why, certainly not, Mr. President; so the Senator from Missouri suggested that we have unanimous consent to put it up to us on this side to say whether or not we wanted to close debate.

Mr. President, we have a right to debate those items. Who is involved? To whom will these items be applied? Who must

pay the bill? While these tariff fiddlers fiddle, who has to dance? It is the mass of the American people. After this bill is passed and the President has approved it, it will be too late to talk about it then. The die will be cast, and the Rubicon will be crossed. It will be too late then, and then the Senators on the other side would rise up, if the Senator from Missouri [Mr. SPENCER] could have his way, and say: "Why should you object to this item and that? You did not open your mouth against it. You did not even protest against it. You gave consent that we might pass them all in a bunch, and now you are estopped from complaining." That is what you would tell us if we were to consent.

Mr. President, the Republican Party has the power, it has the votes in this body, I presume, to pass this cloture measure, and for what purpose? I repeat, for the purpose of writing into law the most obnoxious tariff tax bill that has ever been written in the history of the Government. Senators, I know you are hard pressed, you are anxious to get out amongst the people and see if you can not explain some of these doings that you have indulged in here, but the day will come when you will regret this cloture business. Mark my words to-day: There are more Bolsheviks in this country than you think, and you created them by your party's conduct. The socialists are rejoicing at some of your policies, because they say you have multiplied their numbers. The anarchist rejoices at some of your policies, because he says you are helping him by what you do. Then, who is the great enemy of the Republic? He is the man that defeats justice. He is the man that will destroy free speech. He is the man who will take a whole-hearted 100 per cent American citizen and fill him with doubt and with indifference as to his Government. He is the enemy of the country.

Mr. President, this Government must be so fair and just in the exercise of the powers vested in it that every citizen beneath the flag will love it and every hand stand ready to defend it. I appeal to you to throw this cloture rule in the wastebasket; abandon this cruel course that you have mapped out in this historic lawmaking body; regard and preserve the rights of this institution that safeguards the rights and liberties of the American people; spurn those who would take away these rights from them, who would invoke this doctrine and this rule for the purpose of serving evil ends, for the purpose of making one class rich and another class poor. It was never intended by the founders of the Government that any of its instrumentalities should be used for such a purpose.

Mr. LENROOT. Mr. President, I think the record ought to show that but two Democratic Senators have sat in the Senate Chamber and listened to the eloquent speech of the junior Senator from Alabama.

Mr. HEFLIN. And two Republicans, I believe.

Mr. LENROOT. No; there were more than that. Five Republicans did the Senator the honor of listening to him, but only two Democrats did so.

Mr. President, I deeply sympathize with the junior Senator from Alabama in his feeling that to invoke this cloture rule would be an outrage. I do not know of any Senator in this body who would feel it a greater hardship to be cut off from his daily speech than my friend the junior Senator from Alabama.

There was handed to me a little while ago a record of the speeches of the distinguished Senator from Alabama, and this record shows that, beginning on the 15th day of last August and up to the 2d day of March last, he had made his Federal reserve speech 18 times; and I do not doubt that when the record is completed from the 2d of March to the present day that record will be doubled. I can understand, Mr. President, the feelings of the Senator from Alabama in being denied for the period of two weeks—because if the cloture rule should be adopted it will take probably two weeks to pass the bill—the right to speak more than one hour, in being denied the right of repeating that speech, so well known to us all, about Wall Street and the Federal reserve banks. But, Mr. President, while we can all appreciate the feelings of the Senator and sympathize with him, I think the Senator from Alabama should recognize the fact that if every Senator in this body took the time of the Senate in speech making that he takes it would be impossible to pass any kind of legislation at any time.

The Senator from Arkansas [Mr. CARAWAY] undertook this morning to charge the delay in this tariff bill to the Republican side, and then proceeded for nearly an hour to make a political speech that had nothing to do with the tariff bill. The Senator from Arkansas has taken such time upon extraneous matters since this bill came before the Senate that if every other Senator exercised the same right—and it is a right—not only

would there be no opportunity to vote upon the tariff bill but there would be no opportunity even to discuss it.

I do not blame these Senators. They have a right to make these speeches. They have the right to filibuster this bill—to filibuster it to death—and they have the power to do so under the present rules of the Senate; but, Mr. President, the majority has a responsibility, and the country, I think, well understands that under the rules of the Senate, as they are now framed, the majority party may solemnly promise to the country legislation which the country expects. But under the present rules there is always a reservation that "we promise you this legislation provided the minority party will consent to it, but if there be objection upon the part of the minority we will not carry out our promise."

Mr. President, with the present majority of 24 that the Republicans have, the country expects the Republican Party to legislate; and I am frank to say, for one, that I do not believe that the country will accept the excuse that "the Democrats would not let us legislate." This body has the power to modify the rules of the Senate so that the majority can do business. It is the duty of the majority so to amend the rules of the Senate that when debate is abused, whether it be upon one side or upon the other, when Senators occupy hours and days in the discussion of extraneous matters, there shall be a power in the majority, whether that majority be on this side of the aisle or on the other side, to carry out its promises to the people and enact the legislation which it has promised to enact.

Now, a word with reference to the charge that has been made by the Senator from Mississippi and other Senators that if this cloture rule should be adopted to-morrow there would be no opportunity for the Finance Committee to bring in amendments from time to time, as it has been doing of late, reducing the rates it originally proposed. I am frank to say I do not like this cloture rule. I would much rather have a rule or an agreement that at least during certain hours of the day all debate should be confined to the bill, and that speeches upon amendments should be limited to 15 or 20 minutes. May I say in passing, Mr. President, that if that were done there would be some real consideration of the questions before the Senate and upon which Senators vote. There is none to-day.

What happens? An amendment is proposed; it is debated; half a dozen Senators listen to it—no more; a vote is taken, and Senators come in and follow the committee, as a rule, if they are on this side of the aisle; and they are against the committee, as a rule, if they are on the other side of the aisle. But not 10 per cent of the Senators who vote upon these various amendments know the first thing about the subject they are voting upon.

I do not blame Senators for that. So long as it is understood that if Senators sit here they must sit and listen by the hour to the discussion of every subject under the sun except the subject that is actually before the Senate, they can not be expected to sit in this Chamber when they have other and real work to do.

But, Mr. President, if there were a real limitation of 15 minutes upon amendments you would find the seats in this Chamber full, you would find Senators listening to the discussions, you would find Senators listening to the debates, and I want to say to the other side of the aisle that if that were done some of the increases—which I do not defend—could be defeated; but they can not be so long as the present custom and situation prevail.

If this cloture rule is adopted, will it or will it not tend to prevent any further decreases in the rates proposed by the Finance Committee? In my judgment, while the committee will be foreclosed under the cloture rule from bringing in new amendments reducing the duties, there will be more of the Senate amendments voted down and the House rates accepted if there be no opportunity to bring in amendments than we will get in reductions when they do bring in amendments.

So far as the time is concerned, each Senator would have an hour. It would compel each Senator, then, instead of taking the time of the Senate upon little, inconsequential items, to so divide his time that he would devote it to items of importance, and it would compel him to confine his discussion and say as much as possible in the least possible time, instead of, as to-day, saying as little as possible in the greatest possible time.

I have just had handed to me, in response to the charge that a great proportion of the time consumed in discussion of the bill has been taken upon this side, a compilation which shows that, eliminating debates or discussions of extraneous matter, which have been almost wholly confined to the Democratic side, in the

debate upon the bill itself the Republicans have occupied 408 pages and the Democrats 721 pages, and when you add to that the time that has been occupied in extraneous speeches, like those of my good friend, the Senator from Alabama, and of the Senator from Arkansas and others, it will be shown that the time occupied upon the Democratic side was very much more than that.

Mr. SMOOT. Mr. President, it seems to me, if the Senator will permit me, that this would be a very good time to have put in the RECORD the figures as to the time taken up to June 30 in the discussion of extraneous subject matter and by whom the time was taken. If the Senator has no objection, I shall ask unanimous consent that the statement be put in the RECORD at this point.

Mr. LENROOT. I yield for that purpose.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection?

Mr. HARRISON. What is the statement?

Mr. SMOOT. It gives the names of Senators who have spoken upon subjects other than tariff matters, beginning with April 21 and running to June 30.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(H. R. 7456, Sixty-seventh Congress, second session. April 20, 1922. Unfinished business.)

HARRISON; April 21 (p. 5813), one-half page. (Address of Senator Moses in New York.)

CARAWAY; April 21 (p. 5794), one-half page. (Civil service.)

WALSH of Massachusetts; April 25 (p. 5929), 2½ pages. (Adjusted compensation.)

KING; April 26 (p. 5988), one-half page. (Bureau of Internal Revenue investigation.)

DIAL; April 26 (p. 5989), 1½ pages. (Pensions and adjusted compensation.)

LA FOLLETTE; April 28 (p. 6041), 7½ pages. (Naval oil reserve leases.)

LA FOLLETTE; April 29 (pp. 6096 and 6101), 3 pages. (Naval oil reserve leases.)

HITCHCOCK; April 29 (p. 6097), 1 page. (Naval oil reserve leases.)

POINDEXTER; April 29 (p. 6098), 1 page. (Naval oil reserve leases.)

NORRIS; April 29 (p. 6099), 3 pages. (Naval oil reserve leases.)

PITTMAN; May 1 (p. 6128), 3 pages. (Extension of War Finance Corporation.)

SIMMONS; May 1 (p. 6131), 2 pages. (Extension of War Finance Corporation.)

FLETCHER; May 1 (p. 6133), 1 page. (Extension of War Finance Corporation.)

HEFLIN; May 1 (p. 6134), 2 pages. (Extension of War Finance Corporation.)

CARAWAY; May 2 (p. 6174), 5 pages. (Dismissal of ex-service men from civil service; attack on Attorney General Daugherty.)

HARRISON; May 2 (p. 6179), 2½ pages. (Miscellaneous subjects.)

STERLING; May 2 (p. 6181), 1 page. (Miscellaneous subjects.)

JONES of New Mexico; May 2 (p. 6185), one-half page. (Miscellaneous subjects.)

CARAWAY; May 3, 4, and 5 (pp. 6245, 6306, and 6363), 6 pages. (Attorney General Daugherty.)

PHIPPS; May 5 (p. 6377), 2½ pages. (District of Columbia appropriations.)

HARRISON; May 5 (p. 6380), 2 pages. (District of Columbia appropriations.)

CARAWAY; May 6 (p. 6446), 1½ pages. (Attorney General Daugherty.)

ASHURST; May 6 (p. 6441), 4½ pages. (Hospitalization.)

BORAH; May 6 (p. 6485), 1½ pages. (Russian ambassador.)

HARRISON; May 8 (p. 6482), 2 pages. (Nat Goldstein.)

BORAH; May 8 (p. 6484), one-half page. (Russian ambassador.)

PITTMAN; May 8 (p. 6491), one-half page. (Good roads.)

HARRISON; May 9 (p. 6555), 1 page. (Nat Goldstein.)

DIAL; May 9 (p. 6556), one-half page. (Daylight saving.)

SPENCER; May 10 (p. 6634), 2 pages. (Nat Goldstein.)

HARRISON; May 10 (p. 6635), 2 pages. (Nat Goldstein.)

KING; May 10 (p. 6638), one-fourth page. (Governor of Porto Rico.)

MCCORMICK; May 12 (p. 6782), one-fourth page. (Visit of 1881 class to Japan.)

ROBINSON; May 12 (p. 6782), one-fourth page. (Visit of 1881 class to Japan.)

LA FOLLETTE; May 12 (p. 6782), 4½ pages. (Merger of steel companies.)

KING; May 12 (p. 6797), 1 page. (Affairs in Haiti.)

MCKELLAR; May 13 (pp. 6867 to 6893), 2 pages. (Oil.)

POMERENE; May 13 (p. 6871), 4 pages. (Election of Senators.)

WATSON of Georgia; May 13 (p. 6869), 6 pages. (Education of the South.)

LA FOLLETTE; May 13 (p. 6893), one-half page. (Oil.)

HEFLIN; May 13 (p. 6895), one-fourth page. (Mothers' Day.)

BORAH; May 15 (pp. 6945 to 6950), 2½ pages. (Genoa conference.)

KING; May 15 (pp. 6945 to 6950), 1½ pages. (Genoa conference.)

HITCHCOCK; May 15 (pp. 6945 to 6950), 1½ pages. (Genoa conference.)

WATSON of Georgia; May 15 (pp. 6945 to 6950), one-fifth page. (Genoa conference.)

FRIELINGHUYSEN; May 17 (p. 7096), one-fourth page. (Personal privileges.)

HARRISON; May 17 (pp. 7100-7101), 1½ pages. (Eight-hour day for Government employees and drift of recent elections.)

WATSON of Georgia; May 18 (p. 7170), two-thirds page. (Court-martial.)

CARAWAY; May 20 (pp. 7316 to 7321), 4 pages. (Thomas B. Felder.)

WATSON of Georgia; May 20 (p. 7320), 1 page. (Thomas B. Felder.)

WADSWORTH; May 20 (p. 7320), one-sixth page. (Thomas B. Felder.)

WILLIS; May 20 (p. 7321), three-fourths page. (Thomas B. Felder.)

BORAH; May 22 (p. 7363), one-half page. (Russian situation.)

CARAWAY; May 22 (p. 7375), 2½ pages. (Thomas B. Felder.)

EDGE; May 23 (p. 7439), 1 page. (Russian situation.)

BORAH; May 23 (p. 7439), 1 page. (Russian situation.)

WATSON of Georgia; May 23 (p. 7460), 1½ pages. (Russian situation.)

CARAWAY; May 24 (p. 7523), 4½ pages. (Attorney General Daugherty.)

ASHURST; May 24 (p. 7558), 1 page. (Policy of reclamation.)

FRANCE; May 24 (p. 6450), 3½ pages. (Present and future welfare of American farmer.)

BRANDEGEE; May 25 (p. 7621), one-half page. (Investigation into alleged unlawful hanging of soldiers.)

WATSON of Georgia; May 25 (p. 7622), 3½ pages. (Policy of present administration—Morse case.)

HARRISON; May 25 (pp. 7621, 7625), 1½ pages. (Business of the Senate.)

MCCUMBER; May 25 (p. 7626), three-fourths page. (Business of the Senate.)

UNDERWOOD; May 25 (p. 7626), 1 page. (Business of the Senate.)

NORRIS; May 25 (p. 7627), one-fourth page. (Business of the Senate.)

SIMMONS; May 25 (p. 7628), 1½ pages. (Business of the Senate.)

KELLOGG; May 25 (p. 7628), one-half page. (Business of the Senate.)

HEFLIN; May 25 (p. 7629), 1½ pages. (Business of the Senate.)

LA FOLLETTE; May 25 (p. 7636), 1½ pages. (Operation of General Electric Co.)

LENROOT; May 26 (p. 7710), one-fourth page. (Attorney General Daugherty.)

CARAWAY; May 26 (p. 7710), 1 page. (Attorney General Daugherty.)

CARAWAY; May 27 (p. 7772), 5 pages. (Attorney General Daugherty.)

WATSON of Georgia; May 27 (p. 7714), three-fourths page. (Attorney General Daugherty.)

HARRISON; May 29 (p. 7840), one-fourth page. (Appointment by Executive order.)

CARAWAY; May 29 (p. 7843), 4½ pages. (Attorney General Daugherty.)

LENROOT; May 31 (pp. 7895, 7914), 1½ pages. (Letter from Secretary Hoover.)

WATSON of Georgia; May 31 (pp. 7913, 7915), 1½ pages. (Letter from Secretary Hoover.)

BORAH; May 31 (p. 7904), 5½ pages. (Russian situation.)

FLETCHER; May 31 (p. 7910), one-half page. (Russian situation.)

HARRISON; May 31 (p. 7911), 2½ pages. (Primary campaign expenditures.)

WATSON of Georgia; May 31 (p. 7913), 1 page. (Attorney General Daugherty.)

STERLING; June 1 (p. 7939), 2½ pages. (Reclassification of Government employees.)

WATSON of Georgia; June 1 (p. 7942), 1 page. (European relief expenditures.)

CARAWAY; June 1 (p. 7950), 4 pages. (Attorney General Daugherty.)

WATSON of Georgia; June 2 (p. 8023), 2 pages. (Attorney General Daugherty.)

STANLEY; June 3 (p. 8091), three-fourths page. (Attorney General Daugherty.)

WALSH of Montana; June 3 (p. 8095), one-half page. (Attorney General Daugherty.)

ASHURST; June 3 (p. 8093), three-fourths page. (Condition of Armenian people.)

KING; June 3 (p. 8093), 1½ pages. (Condition of Armenian people.)

WATSON of Georgia; June 6 (p. 8249), 2 pages. (Secretary Hoover and Attorney General Daugherty.)

MYERS; June 7 (p. 8292), three-fourths page. (Sunday observance law for the District of Columbia.)

HARRISON; June 7 (p. 8300), 1½ pages. (Criticism of the President.)

WALSH of Massachusetts; SUTHERLAND, KING, BORAH, and others; June 8 (pp. 8372-8383), 11 pages. (Prices of coal.)

CARAWAY; June 9 (p. 8449), one-half page. (Attorney General Daugherty.)

HEFLIN; June 10 (p. 8513), 2½ pages. (Gov. W. P. G. Harding. Federal reserve banks.)

HARRISON; June 10 (p. 8533), 1½ pages. (Campaign contributions.)

DIAL; June 12 (p. 8550), one-fourth page. (Daylight-saving regulation.)

HEFLIN; June 12 (p. 8578), 1 page. (Disturbance of open-air meeting by airplanes.)

WILLIAMS; June 12 (p. 8578), 1½ pages. (Disturbance of open-air meeting by airplanes.)

SUTHERLAND; June 13 (p. 8622), 1 page. (Leonard Kaplan at Naval Academy.)

KENDRICK; June 13 (p. 8623), 2½ pages. (Adjusted compensation of World War veterans.)

HARRISON; June 13 (p. 8628), 2½ pages. (Nat Goldstein.)

CARAWAY; June 15 (p. 8750), 1½ pages. (Sale of liquor on American ships.)

HEFLIN; June 16 (p. 8810), 1½ pages. (Primary election system.)

TRAMMELL; June 16 (p. 8812), three-fourths page. (Primary election system.)

NORRIS, FRANCE, and others, June 16 (p. 8806), 4½ pages. (Primary election system.)

CARAWAY; June 16 (p. 8813), 2½ pages. (Removal from and appointment to office.)

KING; June 16 (p. 8816), three-fourths page. (Removal from and appointment to office.)

UNDERWOOD; June 17 (p. 8892), three-fourths page. (Muscle Shoals plant.)

NORRIS; June 17 (pp. 8892-8904), 5½ pages. (Muscle Shoals plant.)

HEFLIN; June 17 (pp. 8895-8904), 2 pages. (Muscle Shoals plant.)

MCMARY; June 17 (pp. 8895-8904), one-half page. (Muscle Shoals plant.)

ASHURST, MCCUMBER, WALSH of Massachusetts, and others, June 17 (pp. 8905-8913), 8 pages. (Adjusted compensation of World War veterans.)

EDGE; June 21 (p. 9071), 2 pages. (Decisions of the Supreme Court.)

KELLOGG; June 21 (p. 9077), 1½ pages. (Decisions of the Supreme Court.)

LA FOLLETTE; June 21 (p. 9074), 7½ pages. (Decisions of the Supreme Court.)

LADD; June 21 (p. 9091), 9½ pages. (Proposed amendment to soldiers' compensation act.)

WATSON of Georgia; June 21 (p. 9100), one-half page. (Attitude of George Washington toward soldiers' bonus.)

POMERENE; June 21 (p. 9100), three-fourths page. (Civilian instructors at Naval Academy.)

NELSON; June 21 (p. 9101), one-half page. (Civilian instructors at Naval Academy.)

JONES of New Mexico; June 21 (p. 9103), 1½ pages. (Adjusted compensation for World War veterans.)

HEPLIN; June 22 (p. 9145 and p. 9166), 9½ pages. (Distribution of speeches by Federal reserve banks.)

MCLEAN; June 22 (pp. 9145-9166), 1 page. (Distribution of speeches by Federal reserve banks.)

GLASS; June 22 (p. 9152), 1½ pages. (Distribution of speeches by Federal reserve banks.)

ASHURST; June 23 (p. 9231), one-half page. (Hospital facilities for World War veterans.)

BORAH; June 23 (p. 9243), one-fourth page. (Soldiers' bonus—George Washington.)

WATSON of Georgia; June 23 (p. 9244), one-half page. (Soldiers' bonus—George Washington.)

MYERS; June 24 (p. 9294), 3½ pages. (Mob violence at Herrin, Ill.)

WATSON of Georgia; June 24 (p. 9297), one-half page. (Soldiers' bonus—George Washington.)

HARRISON; June 27 (p. 9471), 4½ pages. (Retrenchment of Government expenditures.)

WATSON of Georgia; June 28 (p. 9545), 2½ pages. (George Washington and the soldiers' bonus.)

MYERS; June 28 (p. 9548), one-half page. (Mob violence in Herrin, Ill.)

MYERS; June 29 (p. 9655), 2½ pages. (Motion-picture industry.)

CARAWAY; June 29 (p. 9659), 2½ pages. (Attorney General Daugherty.)

STANLEY; June 30 (p. 9747), one-half page. (Office of Attorney General.)

HEPLIN; June 30 (p. 9747), 3½ pages. (Distribution of speeches by Federal reserve banks.)

Mr. LENROOT. Mr. President, a word in conclusion with reference to the rates in the bill. I am satisfied, as I have said, that if there were a limitation of debate there would be greater reductions in the rates in this bill than will be made if the present course shall be pursued. I feel just as certain of that as I do that I am standing here to-day.

With reference to these rates, as the Senate knows, I have thus far opposed what I believed to be excessive rates, and I shall, in the future, oppose others which I believe to be excessive, and I am willing, if this cloture rule be adopted, to say all I have to say with reference to those excessive rates in the space of one hour, dividing my time as I shall see fit. But it is only fair to say, with reference to these rates, that I think Senators very often forget, and I do not think the country understands, that what is an apparent increase in a rate found in the bill as it passed the House, an increase made by the Senate may in fact be, and very often is, an actual decrease.

Every ad valorem rate in this bill which has not been increased by the Finance Committee has actually been very greatly reduced. I wonder if all Senators understand that. I am sure the country does not.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LENROOT. I yield.

Mr. WALSH of Massachusetts. I can not speak for all the rates fixed by the Finance Committee, but I have some knowledge of the rates fixed in the agricultural schedule, and I say without hesitancy that the Senate Finance Committee have increased the rates over the rates of the bill as it passed the House in 10 instances to 1 where they have decreased them.

Mr. LENROOT. Let me ask the Senator, where the Senate committee has made no change whatever in the House rate, does the Senator count that an increase or a decrease or as remaining the same?

Mr. WALSH of Massachusetts. As remaining the same.

Mr. LENROOT. Does not the Senator see that where it is an ad valorem rate, he is very greatly mistaken, in all cases where there are ad valorem rates?

Mr. WALSH of Massachusetts. I have in mind the difference between the American valuation and the foreign valuation in the two bills.

Mr. LENROOT. And that is very substantial.

Mr. WALSH of Massachusetts. The statement I made is not changed by the fact that there are changes from the American valuation to the foreign valuation in the Senate committee amendments. Nearly all the changes have been in specific rates.

Mr. LENROOT. I think that is true.

Mr. WALSH of Massachusetts. The changes have been invariably to increase the rates. I made the statement on the floor yesterday, which I repeat, that only yesterday five rates were increased over the Senate committee amendments, and every day we have been making increases. There were some decreases made in the metal schedule, and I understand the com-

mittee are getting ready to make some in the cotton schedule, but so far as the agricultural schedule is concerned, there were more increases than decreases.

Mr. LENROOT. I agree with the Senator as to the agricultural schedule, but taking the bill as a whole, if he thinks that the tendency of the Finance Committee is to increase rates rather than decrease the rates, the cloture rule will prevent further increases, will it not?

Mr. WALSH of Massachusetts. I assume that is true, because the committee seems to be holding daily sessions at the present time, and the recommendations they make each day seem to be for increased rates. So if we apply the cloture rule to-morrow, I understand the committee can make no more changes, and therefore there will be few increases made.

Mr. LENROOT. Does not the Senator think that would be a good thing?

Mr. WALSH of Massachusetts. Very decidedly.

Mr. LENROOT. I am glad the Senator approves some features of the cloture rule.

Mr. WALSH of Massachusetts. I would like to say to the Senator that there have been 141 amendments acted upon since June 28th, and I think that is a pretty good record we have made during the last 10 days, at least in this Chamber. I do not see how you can expect to speed up the work on the bill at a greater rate than that.

Mr. LENROOT. Even assuming that to be true, will not the Senator admit that if we make the same rate of progress in the future as we have during the time the Senator has mentioned, we can not pass the bill this year?

Mr. WALSH of Massachusetts. If we can pass 141 amendments in a week, there is no reason why we can not pass this bill within the next four weeks.

Mr. LENROOT. Does the Senator think there will be no individual amendments offered to the bill?

Mr. WALSH of Massachusetts. I expect there will be.

Mr. LENROOT. Does the Senator not think there will be a great many?

Mr. WALSH of Massachusetts. Yes; I think there will be.

Mr. LENROOT. So the Senator does not count upon the completion of the bill with the disposition of the committee amendments within the next four weeks?

Mr. WALSH of Massachusetts. I do not see how there can be very much discussion of the amendments, because it would be going over matter already discussed; but individual amendments can not be offered now.

Mr. LENROOT. Unless we have the cloture rule, will not each individual Senator desire to and will he not discuss each amendment he offers, naturally?

Mr. WALSH of Massachusetts. Certainly.

Mr. LENROOT. I would like to ask the Senator how long he thinks the debate will last upon the valuation features of the bill?

Mr. WALSH of Massachusetts. It is my opinion that the bill will be ready for a final vote before the middle of August.

Mr. LENROOT. If it is, the Senator must admit that his side proposes in the future to take very much less time than it has in the past.

Mr. WALSH of Massachusetts. It is my opinion that the committee amendments will be completed in two weeks.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I yield.

Mr. SMOOT. I want to say to the Senator from Massachusetts that, barring the agricultural schedule, where most of the rates are specific, and are higher than the House rates, I admit, I think the Senator will agree with me that there is not a schedule in the bill as reported in which the rates are not lower than the House rates.

Mr. WALSH of Massachusetts. I regret that I can not confirm what the Senator says. I can only speak for the agricultural schedule, which I have studied in some detail. I think the junior Senator from Utah [Mr. KING], in charge of the chemical schedule, and the Senator from New Mexico [Mr. JONES], in charge of the metal schedule, could enlighten us on the matter. My impression has been that even in those schedules the committee have recommended very many increases over the House rates.

Mr. SMOOT. Very few, Mr. President, and there were a few increases over the House rates voted by the Senate as against the recommendations of the committee.

Mr. WALSH of Massachusetts. I would like to ask the junior Senator from Utah if he confirms the statement made by his colleague about the Senate committee amendments in the

chemical schedule being generally reductions over the House rates?

Mr. KING. I think that many of the rates in the chemical schedule have been reduced from those found in the bill as it came from the House.

Mr. SMOOT. Particularly when you take into consideration the American valuation, there is not a rate that has not been reduced.

Mr. KING. I am assuming that.

Mr. SMOOT. There is not a rate, unless it was a specific rate, which remained as it was in the House text and as to which there was not a reduction.

Mr. KING. If the Senator will pardon me, there is authority given in the bill for the President to increase the rates.

Mr. SMOOT. Yes; and to decrease them.

Mr. KING. There will be no decreasing.

Mr. SMOOT. I am not sure of that. In fact, I think there will be more decreases than increases.

Mr. KING. It is purely prophecy, and I shall not indulge in prophecy.

Mr. SMOOT. Whatever is said along this line is prophecy, whether it comes from the senior Senator from Utah or the junior Senator from Utah. No one can say what the President will do. I only express my opinion, and I believe it with all my soul.

Mr. KING. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. KING. In view of a statement which was made since I came into the Chamber, I wish to say that I do not agree with the Senator from Massachusetts [Mr. WALSH] that every amendment which will be offered by the minority, or by the majority for that matter, will be debated. I have a large number of amendments which I shall offer to the chemical schedule. In the general debate upon the chemical schedule and in the consideration of the amendments offered by the committee, questions were discussed then which are directly involved in the amendments which I shall tender. I do not expect to discuss perhaps more than one-tenth of the amendments which I shall offer to the chemical schedule. I feel sure that many of the amendments which will be offered by the minority will not be discussed, but in their view it is important that those amendments should be offered in the hope that judgment by that time will have been restored to the other side of the Chamber, and they will concede that many of the amendments should be adopted and reductions made.

Mr. LENROOT. Mr. President, judging from the accretions to the number of advocates of the rates from the Senator's side of the Chamber, I do not feel very optimistic about that proposition, because there seem to be more and more Democrats adhering to the committee rates as time goes on.

I want to make a point in conclusion that I do not think Senators always remember, because I want to be fair to the Finance Committee, that where no change in rate is imposed in the House bill, in every case where it is an ad valorem rate it is in fact a reduction, and in many cases where the Finance Committee have recommended an increase in the ad valorem rates, so far as the rate is concerned, it is in fact a reduction from the House rates. To illustrate, the very next paragraph that the Senate will consider is upon sardines, where the House rate is 26 per cent ad valorem. The Senate Finance Committee recommends an apparent increase to 30 per cent ad valorem. Naturally one would conclude that was an increase in the rate or in the tariff duty to be imposed, but in fact it is a reduction. I simply take it for illustration. As a matter of fact, based upon the last figures that I have of importation and domestic production of sardines, the 26 per cent ad valorem rate based upon American valuation would have imposed a duty of 91 cents a case upon sardines, while the 30 per cent duty recommended by the Finance Committee, an apparent increase in the rate, upon the foreign valuation would make a duty of only 84 cents a case. So that while the House rate of 26 per cent would impose a duty of 91 cents a case, the Senate committee rate of 30 per cent would impose a duty of only 84 cents a case, or 7 cents a case less than the rate imposed by the House.

I think there are times when none of us bear this point in mind. While, as I have said very often, I think there are rates proposed by the Finance Committee that can not be justified, and I shall vote against them as we come to them, as I have voted against them in the past, nevertheless wholesale condemnation ought not to be made of the bill.

Mr. BORAH obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator yield to me a moment?

Mr. BORAH. I yield.

Mr. HEFLIN. Mr. President, the Senator from Wisconsin [Mr. LENROOT] has taken me to task, as well as other Senators on this side, for opposing the cloture rule and for asking for time to discuss the tariff bill which we say is full of inexcusable and indefensible provisions. On yesterday, the 5th day of this month of July, the day following our Independence Day, the birthday of our liberty, the Senator from Wisconsin, speaking against one of these very provisions, said:

Mr. President, I am opposed to the pending committee amendment because I do not believe that it can be justified from any standpoint.

That is one of the provisions in the bill which is full of provisions like it which the Senator from Wisconsin said "can not be justified from any standpoint." Again he said:

Mr. President, I submit that the distinguished senior Senator from California [Mr. JOHNSON] and his colleague, the junior Senator from California [Mr. SHORTRIDGE], have not made out a case for the increase of duty which is now proposed by the committee—which is an increase of 275 per cent over the existing rate and an increase of 150 per cent over the Payne-Aldrich rate. I submit they have not made out their case upon their own showing, because in the speech of the senior Senator from California upon Monday he demonstrated that under the existing rate of the Underwood law the acreage planted in almonds in 1921, at the very lowest ebb of the industry, so far as the market was concerned, had increased almost 124 per cent.

Mr. President, in the face of the growth of this industry during the existence of the present Underwood law, an increase of 275 per cent in the tariff duty can not, I submit, be justified by anybody.

I have not made up my mind as to whether, when we come to a final vote upon this bill, I shall vote for it or not. I want to do so if I can. I want to resolve all doubts in favor of the bill; but if such rates as this are to be voted into this bill to any considerable extent, I want to say very frankly that I shall not support the bill when it comes to final passage.

Mr. President, I hope that I shall be able to support this bill when it does come to a final vote. The vote upon this amendment, of course, will not be the deciding factor, but it will be one of them; and if many such are voted into the bill, I repeat that—giving credit to every other Senator for the same high purpose and motives in voting for the bill that I believe actuate me—I shall reserve the right to vote against it unless some of these duties be brought down somewhere within reason.

That is the bill I am condemning. That is the bill I want time to discuss. The Senator says I have occupied a good deal of time. I am occupying that time in the interest of the American people, and I am not speaking for the tariff barons of this Republic. I want time to condemn the bad provisions of the measure which the Senator from Wisconsin admits can not be justified from any standpoint.

Mr. SMOOT. Mr. President, will the Senator from Idaho yield to me just a moment?

Mr. BORAH. I yield to the Senator from Utah.

Mr. SMOOT. I happened to be out of the Chamber when the Senator from Mississippi [Mr. HARRISON] was speaking this morning, but my attention has been called to a part of his remarks, reading as follows:

I see the benign countenance of my friend from Indiana [Mr. WARSON] over there on the other side of the Chamber. He is strong for this cloture rule. He is an adroit politician. He is as smart as they make them. He knows that the pending bill will not stand the attacks from this side of the Chamber. He wants to restrict debate, to forestall these assaults, to put through something here so that the people will never know the infamous character of some of the provisions of this bill. He knows that when the sugar schedule is reached we on this side of the Chamber are going to expose the deal that was attempted to be put over by a distinguished member of the Finance Committee, the senior Senator from Utah [Mr. SMOOT], by writing a letter to General Crowder, a representative of this Government to Cuba, and trying to induce Cuba to enter into a contract to restrict the production of sugar in Cuba to 2,500,000 tons annually. The Senator from Indiana knows that all that will be exposed. One of the conditions of the proposed contract was that if the Cubans should restrict their crop of sugar the tariff on sugar would not be so high in this bill. The Senator from Indiana desires to keep that from the American people, and the adoption of this cloture rule will so limit debate that we on this side of the Chamber, who propose to discuss that matter, would not have time even to have read the letter written by the senior Senator from Utah to General Crowder or the contract which was attempted to be negotiated.

Mr. President, I have listened to the Senator from Mississippi make reference to this matter three or four times in the Senate, but I paid no particular attention to it. I want to say to the Senator from Mississippi that he can not keep the Senator from Utah from calling the country's attention and the Senate's attention to the letter that I wrote to General Crowder. When the country knows the situation and conditions existing at that time and what was the intention of certain interests in the country to do to the sugar industry of our country, I want to say that there will be quite a different opinion toward the sugar producers of the country than seems to be manifested by the Senator from Mississippi. There is nothing to conceal. I read the letter to the Finance Committee, and I intend to read it to the Senate. I am going to show the

Senate of the United States what a strangle hold the sugar refiners and the bankers of New York had on the sugar industry of the United States. I admit that rather than have it killed outright, I would undertake to do almost anything honorable to save the industry.

Mr. HARRISON rose.

Mr. SMOOT. I want the Senator from Mississippi to understand that the letter is going to be read and it is going to be explained when the sugar schedule is up for consideration.

Mr. HARRISON. I am delighted.

Mr. SMOOT. There was no deal put over by the Senator from Utah that he is not perfectly willing that all the world should know about, and when the world knows it I will say that some of the sugar refiners of the country and the banks which advanced money to the Cuban sugar producers will take notice and there will be quite a different sentiment in the country in relation to the rates of duty upon sugar and the sugar industry of the country than we are lead to believe by the remarks and insinuations of the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. May I ask the Senator a question before he takes his seat, because the Senator alluded to my remarks and I was sorry he was not present to hear them. The Senator, I understand, will produce the letter which he wrote to General Crowder?

Mr. SMOOT. I am going to read it, and the Senator from Mississippi can not keep me from reading it.

Mr. HARRISON. Is not the Senator willing to have it read now?

Mr. BORAH. No; not in my time.

Mr. SMOOT. I have not a copy of it with me. This is no time to do it. When the sugar schedule is reached I intend to discuss the sugar schedule and then will be the time to read it, not now.

Mr. HARRISON. May I ask whether in the letter General Crowder was authorized to restrict the Cuban crop to 2,500,000 tons?

Mr. SMOOT. No; he was not.

Mr. HARRISON. On the theory that the tariff would be lower?

Mr. SMOOT. General Crowder was not authorized to do anything. I had no authority to authorize him to promise any rate of duty on sugar.

Mr. HARRISON. That is what the Senator was trying to get General Crowder to effect in Cuba, was it not?

Mr. SMOOT. I am not going to take the time of the Senator from Idaho now to discuss the matter. I shall tell the Senate the whole story at the proper time.

Mr. HARRISON. But our curiosity is all excited.

Mr. SMOOT. I know; the Senator's curiosity is always excited.

Mr. HARRISON. Then the Senator will not tell us now?

Mr. SMOOT. Not in the time of the Senator from Idaho.

Mr. BORAH. Mr. President, the colloquy between the Senator from Mississippi [Mr. HARRISON] and the Senator from Utah [Mr. SMOOT] illustrates how unwise it would be to undertake to apply cloture in the consideration of the tariff bill. The last bill that ought to have cloture applied to it is the tariff bill. We can possibly stop debate in the Senate, but we can not stop it in the country. Every one of the schedules in the bill will be debated for the next two or three years and perhaps the next ten years throughout the country. The best way that we could possibly expend our time here is to make just as few mistakes as we can before the bill goes to the people.

The debate in the Senate has not been intensely interesting perhaps to all of us, because we are not all tariff experts. But the debate which is going on in the country is intensely interesting. Strangely enough, they seem to know more about the bill than we do. I presume it is because they have to apply it daily, and they are studying the possible effect of it.

In my humble opinion, when the sugar schedule is undisposed of, when the woolen schedule is undisposed of, when the embargo proposition is undisposed of, when the glove, the potash, and all the other important schedules over which the fights have always been made in the past are undisposed of, to apply cloture would be a very serious thing. Not only would it result in injury to the country but it would result in tremendous injury to the Republican Party. Whether you view it as patriot or as partisan, sometimes synonymous, but not always so, it would be a great error to force these schedules through without most thorough debate. The people, I venture to believe, will be greatly benefited by debate.

Mr. POMERENE. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. POMERENE. I noticed a little while ago an article in the New York Tribune which would indicate that at a certain dinner held last night members of the Finance Committee themselves had very grave doubts as to whether cloture should be invoked. If the Senator from Idaho will pardon me, I should like to read a sentence or two from the article:

While the Senate leaders propose to try the adoption of cloture in connection with the tariff bill under the existing two-thirds rule, sentiment was expressed at to-night's meeting that it was unwise to try to force cloture now, before the wool and sugar schedules are disposed of, lest it give rise to a charge that an effort is being made to gag the Senate in the discussion.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Ohio that while some of the members of the Finance Committee may have attended the meeting, I assure him that I was not there.

Mr. BORAH. The article refers to leaders of the Senate, so a number of us were not expected.

Mr. POMERENE. The dinner was at the home of the senior Senator from Massachusetts [Mr. LODGE], and among other Senators who are named is the Senator from North Dakota [Mr. McCUMBER], the chairman of the Finance Committee; the Senator from Kansas [Mr. CURTIS], who is the Republican whip; the Senator from Indiana [Mr. WATSON]; the Senator from Connecticut [Mr. BRANDEGEE]; the Senator from Oregon [Mr. McNARY], and several others; and, of course, I assume they were all Republicans.

Mr. SMOOT. I desired merely to correct the statement the Senator from Ohio made in the first place, that the Finance Committee was there. The Finance Committee was not there.

Mr. POMERENE. I do not know whether I said the "Finance Committee" or "members of the Finance Committee."

Mr. SMOOT. I thought the Senator said "the Finance Committee."

Mr. BORAH. Of course, Mr. President, it would be perfectly suicidal for the Republican Party to shut off debate upon these schedules. It would be ruinous to us as a party, but, what would be still worse, it would be injurious to the country.

I have always been opposed, Mr. President, to cloture; and it has been extremely interesting in the years during which I have been here to observe how cloture has been sought to be applied by the two sides of the Chamber. When the Republicans are in the majority, they want cloture; when the Democrats are in the majority, they want cloture; and when either side is in the minority, it protests against cloture. We have that situation now. I think it would be extremely unwise to apply cloture at this time. However, Mr. President, I should be tempted to vote for cloture in this instance if it were not for the two considerations, one of which I have just mentioned, that I think we can not stop debate upon a measure by stopping debate here in the Senate. The second reason why I am opposed to cloture is because of that which lies ahead of us.

We are greatly mistaken if we think that the people are in a hurry to have us legislate along the lines on which we are proposing to legislate. The people are not at all dissatisfied to slacken haste in the matter of adding increased taxes upon the people and increased obligations and burdens upon the Government.

For instance, Mr. President, what are our friends proposing to do immediately after they pass the pending tariff bill? What is the next measure to be taken up? The next bill on the program is one to impose an indebtedness or an obligation upon this country of from \$4,000,000,000 to \$6,000,000,000. That will be the first hasty step we will take after we shall have concluded the consideration of the tariff bill. I am speaking now of the entire Congress; but do Senators think, in view of the conditions in this country at this time with reference to taxes, with reference to indebtedness, with reference to national obligations, that the people are desirous that we hasten to impose additional burdens on the Government of from \$4,000,000,000 to \$6,000,000,000. If there were a different program confronting us, if there were a different outlook, there might be some desire for haste, but in view of what confronts us I doubt very much if there is any considerable excitement in the country to have us move along with our program.

After we have disposed of the bonus proposition, which will add from \$4,000,000,000 to \$6,000,000,000 to the indebtedness of the country, what is the next measure upon our program? The ship subsidy bill. Do Senators think the people of the country are in great haste to have the debris cleared away—if I may call the tariff bill that—to make way for a ship subsidy bill, a measure which will draw from the Treasury all the way from fifty million to one hundred million and some say as high as three hundred million dollars; which will exempt some of the people of the country from the payment of a portion of their

taxes; which will select a few and give them an opportunity to succeed in the midst of the distress which presses down upon the remainder of the people? I do not think, Mr. President, that the people are in any haste to have us pass that kind of a measure.

Then, after we pass the ship subsidy bill and the bonus bill, both of which will constitute drains upon the Treasury and involve additional taxes and an increase of Government obligations, we propose to take up the bill for the creation of 24 Federal judges, which will be another drain upon the Federal Treasury. Perhaps we might justify the creation of 10 or 12 additional Federal judges. I think we might do so; but to create 24 additional Federal judges at this time, in my opinion, after having examined the matter as best I may, is intolerable and inexcusable and the imposition unnecessarily of a further burden upon the people of the country. And after we shall have passed the Federal judges bill, there will come what is called the Liberia loan bill. We propose to go into the Treasury of the United States, despite its condition, and loan to Liberia \$5,000,000, at a time when the people of the United States are bled white, when they are absolutely without money to initiate enterprises, and when the great reclamation projects of the West are standing as they have stood for the last seven or eight years. With the Treasury unable to meet the demands of our own people, it is proposed to go into the Treasury and loan \$5,000,000 to Liberia.

Not a single one of the measures upon the program which is now before us but draws upon the people for an additional sum and weighs upon them in the form of additional taxation and increases the obligations of the Government not only by millions but by billions of dollars.

Mr. President, therefore, while I have sat here and listened to this debate, or while I have known that it was going on, I have not felt the impatience which I otherwise would if I knew that there would follow the tariff bill measures which would, in my judgment, afford real relief to the country. I ask our friends who are meeting at the headquarters of our leaders if there is a single item in this program that does not increase the taxes of the people of the country? Is there a single part or parcel of the program that does not increase the obligations of the Government? It is the character of the program which makes hesitancy and delay in the consideration of the tariff bill a virtue.

Mr. President, we know that there is already great discontent throughout this country, and when discontent is widespread it is never without justification. That condition is apparent in the United States and it exists throughout the world.

It is evident that the burden which governments continue to impose upon the people is becoming unbearable. It is getting, as it were, upon the nerves of the public. The first underlying cause in my judgment of the world-wide unrest, of the almost universal criticism which we hear against governments, is exorbitant and unconscionable governmental expenditures, and particularly the outlook that these expenditures are not being diminished to any appreciable extent. Indeed, I do not believe that the burdens already placed upon the people are so disturbing, so fruitful of dissatisfaction and discontent, as those burdens which present policies indicate are yet to come. The present demands are sufficient to take the people's earnings, but the proposed policies take away their hope for better days.

The protest upon the part of the people is now being manifested in this country and throughout the world. It makes itself known in strikes, through the ballot box, and finally in rioting and in bloodshed. The most prolific source of misery and crime is oppressive taxation, and when you stop to think of the load now carried by the masses, we can not be surprised at the disorder and lawlessness everywhere prevailing.

In some countries it seems to be believed that this discontent and hunger can be fed up on repression and executions. In other countries, particularly in our own, the belief seems to prevail that the remedy is in still greater appropriations, increased national obligations, and necessarily higher taxes.

Let us examine in detail the weight under which the people are now bending and also examine some of the proposed measures of relief, some of the schemes which would start new enterprises and find employment for the idle through increased appropriations and still greater obligations of government! We will find that the late Doctor Rathenau was not far wrong when, a few days before his unfortunate death, speaking of the economic situation in Europe, he said:

Chained in our galley we hew one another to pieces, although it is our bark which we are rowing and our struggle on whose behalf it is set forth.

We are told from time to time that the situation is encouraging; that we will get relief by reason of the fact that there

are large sums of money owing to us from foreign governments, a part of which we may get and the interest of which we will surely get from some of them. These statements make it important for us to examine the conditions in those countries from which we are to get interest or aid, as we are told, to relieve the constantly increasing burdens of this country. I take up first the condition of Great Britain.

Some time ago there was a budget committee appointed in England, having for its object the investigation of the expenditures of the Government and the increase of taxes in that country. It was known as the Geddes committee. It would be well for those who are interested in this subject to recur to the report of that committee and read it. The committee present about as gloomy an outlook for the economic and financial future of England as could possibly be conceived this side of absolute bankruptcy. I have not the report upon my table, but I have here a discussion of the subject by one of the leading members of the commission, Lord Inchcape, who was speaking to a conference gathered for the purpose of discussing governmental expenditures and taxation. This is what he said:

It was up to the entire Nation to insist upon drastic reductions in public expenditure. If they allowed this vital issue of economy to be made the football either of party politics or of departmental pride and intrigue, they were done.

I felt that if expenditure and taxation were not reduced—

I feel so now—

that we should land ourselves in national and individual bankruptcy.

The Geddes committee, which, after six months of strenuous work, suggested economies of £87,000,000 in the public spending departments, told His Majesty's Government that another £13,000,000 could be saved without difficulty and without impairing the practical efficiency of the defense and administration of the country.

So we go on—

Says Lord Inchcape—

and, as far as can be seen, the revenue of the current year, even at the present rate of taxation, will not be equal to the expenditure. By juggling with figures and bringing into revenue realizations from the sale of surplus stores and ships, and by annexing the post-office surplus, which ought to be devoted to cheapening communications by letter, telephone, and telegram, the Government may be able to present a balanced budget; but what will happen in 1923-24, when they won't have the proceeds of sales of war materials to help them and when three years of low average of income tax will materially reduce the returns from that source, no one knows.

That is quite similar to the situation in this country. We have been able to make a showing which is somewhat encouraging by reason, I will not say of juggling of figures, as he says here, but, as the report of the Treasury Department itself says, by heroic effort, and by having at hand the proceeds of sales of war supplies, and so forth; but when we face the future those things must be eliminated, and within a short time we must face the proposition of meeting our indebtedness and our expenditures not by surplus war sales but by actual burdens upon the people.

Again, says Lord Inchcape:

It is up to you; it is up to the entire nation to press for and to insist upon drastic reductions in public expenditure. If you don't, if you sidetrack this matter, or treat it as of secondary moment, then, in my judgment, you are done.

The wealth of the country does not belong to the Government. It is the property of the people, of those who have worked and saved, either for themselves or for those who are to come after them.

How sound a statement; yet how heedlessly regarded by parliaments and congresses. This Government gets its money from the people. The money in the Treasury is money we have compelled them by law to pay over to the Government. If we should more conscientiously remember that, we would not deal so liberally with this money.

I suggest to you that the first line of a country's defense, and of the defense of civilized life, is solvency. If a man's expenditure exceeds his income, if he is wise, he reduces his expenditure. If he is foolish, he goes on spending and borrows on his assets, pledging them for his loans, until he can borrow no longer, and then he is ruined. We are at the parting of the ways. We must reduce our expenditure and cease borrowing or we will come to grief.

Let me quote one more paragraph from this discussion:

At present we are slithering down an incline plane of prodigality and indebtedness that will land us, unless we act promptly and resolutely, in the ditch. * * * If this goes on, our whole social and industrial fabric will go to pieces.

The report bears out the unhappy statement of this English statesman. I suppose some English politician might regard him as pessimistic, but my opinion is he was both wise and brave and also a patriot.

Mr. President, that is not the only feature of the tax situation in England which is of moment to us who are inclined to rely upon the interest upon the indebtedness which Great Britain

owes us to help us out. I find here a statement from the Outlook, of London, of May 7, 1922, which says:

On March 31, 1919, there were arrears of income tax * * * amounting to £55,000,000. In 1920 the figure had risen to £73,000,000. By 1921 it was £86,000,000, and this year it had reached the gigantic total of £110,000,000.

The condition of Great Britain is no different from that in many other leading countries. In other words, while expenditures increase, while outlays increase, the sources of taxes are drying up. Who is there that can say to the people of this country as we begin to legislate on this program which is to follow the tariff bill that a part of it will be taken care of by collecting from Great Britain her debt to us, or the interest upon it? The fact is that every dollar which we lay upon the people of this country for the next 10 or 15 years will in all probability be met by the people of this country alone, and there is no use blinking the proposition.

Let us look for a moment at the condition in France. France has her immense indebtedness and she is increasing it from day to day. Her sources of taxes are drying even more rapidly than those of Great Britain. I read here a statement from an ex-member of the French Assembly in which he says:

The new French budget, presented to Parliament by Mr. Charles de Lasteyrie, minister of finances, brings interesting precisions on one side of the problem. On the German side intelligent explanations are presented by Mr. Georg Bernhard, editor of the Vossische Zeitung.

French taxes amounted to 5,000,000,000 francs in 1913. In 1919 they reached 9,700,000,000; these grew to 15,000,000,000 in the following year. For 1923 they will reach over 19,000,000,000 francs.

Five years after the war has closed, and after our antagonists have been reduced to practical helplessness, and after the signing of the four-power treaty, and after every appearance of peace, they have increased their expenditures from \$15,000,000,000 francs to 19,000,000,000 francs for 1923. Then says the same writer:

The cost of living has increased by 300 per cent since 1913. French military expenditures compared to 1913 have grown by 266 per cent, while Italy shows an increase of 372 per cent, the United States of 340 per cent, and Japan of 332 per cent.

Thus we see, Mr. President, in these two great leading countries, whose indebtedness to us is very large, the constantly increasing expenditure, the constant increase of taxes, the constant decrease of returns of taxes or the drying up of taxes, and in all instances the rise in the cost of living and the constant increase of the burden of armaments.

I do not pause to survey the financial and economic conditions in other parts of Europe. Russia is in collapse; famine stalks her streets. In Germany the assassin's face haunts her public men and reparations dull the energy and blast the hopes of the people. Austria, Hungary, Rumania—why recount them, for we must know that bankruptcy is everywhere threatened.

Who could doubt what effect these conditions have upon the great mass of the people? Is there any surprise that there is discontent, not only throughout those countries but spreading into all other countries adjacent thereto? The fact is that the constant increase of governmental expenditure has reached the point where it breeds revolution. Everywhere men are denouncing or criticizing their governments—here and elsewhere. The people's faith and the people's patience are nearing exhaustion.

It seems to me, under these conditions, that the first and prime duty of a party which has the future of this country in its charge is at all hazards to refrain from increasing these obligations, these expenditures, and if possible to decrease them.

Now, Mr. President, let us look for a few moments at our own country.

We have at this time an indebtedness of about \$22,000,000,000. Our Budget is running from \$3,500,000,000 upward. According to the report of Mr. Mellon, the Secretary of the Treasury, the sources of taxes in this country are drying quite as rapidly as in Great Britain. We have a deficit for 1923 estimated at \$500,000,000. That is the situation presented to us, not as a speculative proposition but by actual figures. At the close of the Civil War we had an indebtedness of about \$2,674,815,356. By 1915 we had reduced the indebtedness of the Government to \$1,090,148,006. In other words, during the space of 50 years we had reduced our public indebtedness something over a billion dollars. If we are to judge the future by the past, we now have an indebtedness which it will take us more than a thousand years to lift, to say nothing of the constantly increasing burden in the way of increased taxes from year to year by reason of the increased budgets; and it is proposed, in addition to that which we already have, to lay on an extra indebtedness, which I am going to discuss in a few moments.

Mr. President, the time may come, and in my opinion it is very likely to come, when the United States will have to stand, as it were, at the Marne on this question of preserving financial civilization. The time may come when our reserves, economic and financial, will have to be called upon as our reserve of man power was called upon in 1917, and it behooves the American people and the American Congress to prepare for that as we prepared for the great conflict which confronted us in 1917. The nation which will lead in the future, which will control and dominate, will not be the nation of armies, not the nation of navies, but the nation of economic power, of prosperity at home, of financial reserve, of means to take care of those things. It behooves us, therefore, not only by reason of the call which will be made upon us here in this country but by reason of the condition which surrounds us throughout the world, to conserve and reserve all the economic and financial power that we have in order to meet that exigency when it comes.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me to interrupt him to make a suggestion, if we had owed \$22,000,000,000, as we do to-day, when the war broke out in 1917, it would have been financially impossible for us to have put 2,000,000 men in France.

Mr. BORAH. I quite agree.

Mr. UNDERWOOD. The weakness is evidenced as much in financial weakness as it is in loss of man power.

Mr. BORAH. Quite so. There is another element to which I want to refer in connection with this, and that is the constant outlay for armaments. I have on my desk here the figures of the increase in the budget of France for 1923 for armament. Both war and navy appropriations are increased over this year's budget, the former 234,000,000 francs and the latter 323,000,000 francs. This is under date of May 16, 1922. In other words, notwithstanding the financial situation in France, for some reason unexplained, or not understandable, at least, by the outside world, she is increasing her army and her navy outlay over that of 1922.

Let us make a comparison with our country. For 1916, the year we started the large naval building program, we expended \$154,727,556.36 for the Navy. For 1923 we have appropriated \$328,000,000, in round figures.

The total appropriation for the Army in 1916 was \$170,836,324.69. In 1923 it was \$320,000,000. A like increase could be shown with reference to England.

I have called attention to this situation, which may seem somewhat irrelevant at first, but I am coming to the proposition of what should be the attitude of the American Congress toward these obligations which it is proposed we shall incur.

I look upon it somewhat in the light as if we were preparing for actual war. I think to drain our resources, to burden our people, to increase our obligations at this time is shortsighted, to say the least. It may be disastrous. It is a time when every citizen should feel toward his Government and its expenditures just as he would feel toward his Government if he knew that an outside enemy were threatening. Every man and every citizen should be willing to make the sacrifice, to economize, to deny himself or herself the same as we did during the Great War. There can be no possible doubt as to the task which confronts us, and there can be no doubt but what it will call for all we have under our control in order to meet it.

Notwithstanding that fact, Mr. President, we are told it is proposed as soon as this bill is out of the way to take up the ship subsidy bill. I am not going to discuss that to-day. I propose to do so in the near future. But it will be a drain upon the Treasury; it will establish a vicious system of tax exemption; it will not grant relief, and it will burden the future, in my judgment, quite as much as it would to actually vote bonds or obligations of the Government.

Secondly, we propose to take up what is known as the soldiers' bonus bill. I am perfectly well aware that both sides of the Chamber are in favor of that proposition to a large extent. We are now paying out over \$1,000,000 a day for the disabled veterans; about \$436,000,000 for this year will be paid, more than a million dollars a day. If we calculate the obligations which we owe to those men—and if they are disabled it is an obligation which we must meet at whatever cost—it will cost this Government, upon the ratio that it cost us after the Civil War, in the next 50 years over \$65,000,000,000. Some estimate it higher. But, add that to the \$22,000,000,000 which we already owe and the immense Budget which we have, and you have about all that the American taxpayer will be willing to carry during these coming years.

But it is proposed out of hand to lay upon the American people at this time an extra burden of from four to six billion dollars, almost twice as large as the debt which we had at the close of the Civil War; and if we pay it in the same way and at the same rate that we paid the debt after the Civil War, it will take us 250 years to pay off the debt which we propose to lay in a few weeks for the purpose of meeting this supposed obligation.

Mr. President, the discussion heretofore of this bonus measure has ranged principally about the present condition of the Federal Treasury and the immediate burdens of the taxpayer. These are matters of vital concern. But it must be apparent from the whole situation that underlying this question is a deeper problem touching not only this particular measure but the whole trend of legislation and the entire policy of reconstruction. The Treasury may run dry, but if the pride and the energy and the manhood and the womanhood of the Nation remain, it will again be replenished. The immediate burdens imposed by heavy taxes may sterilize industry and press down upon labor, but if faith in the Government and confidence in its policies remain, business in time will revive and labor again enjoy its rightful heritage. Language is inadequate to portray what a people will endure in the way of fiscal burdens so long as they believe that the policies obtaining are just and wise. But when a people begin to lose confidence in the wisdom and permanent policies of a government, it is time to look deeper than the mere significance of a pending measure.

The bonus measure is but a single expression of what seems to be a deep-rooted tendency—a tendency born of feeble policies and irresolute leadership. If this measure stood alone, if it were single in its import, we could look upon it with less concern. It is conspicuous, however, only because of the amount involved; there are any number of measures pending before the Congress of the same general nature. If you care to search the files of the Congress or survey the activities of State legislatures, you will no longer doubt the peril which confronts us as a people.

There are measures enough before the Congress, and lately in State legislatures, to bankrupt this, the richest Nation on the globe. If all the money were appropriated which, by bills, has been suggested, or if all the debts were created which such proposed measures would entail, it would place a mortgage upon the brain and the energy of our people which a thousand years could not lift. No statistician whom I have been able to find can tell us to-day the amount of indebtedness in the world. They approach with some supposed accuracy the debts of the different governments, but when you seek to tabulate the debts of the subdivisions of governments and then the private debts, the human mind staggers and computation breaks down. This fearful load resting like a blighting mildew upon the aspirations and the hopes and the energy of the people everywhere is now being increased at a rate which benumbs calculation. Even in this comparatively new land of ours we have reached already the era of embargoes, subsidies, gratuities, bonuses, and finally that sinister invention of American politics—50-50 between the States and the Government—that is, the States will exploit the taxpayer for 50 per cent and the Government for the other 50 per cent, thus dividing responsibility and augmenting extravagance, unmindful, apparently, that while the taxing power are two, the taxpayer in both instances is one and the same. The great task of legislation to-day is to ascertain how one class can benefit at the expense of another class—the taxpayer always the victim.

Mr. President, in times of adversity, in a severe economic crisis, a people, like individuals, must recur to first principles, return to the simple homely virtues, the only secure basis for either individual prestige or national power. Two roads were open to us and to all the world at the close of the Great War—that of waste, extravagance, taxes, and debts or that of economy, frugality, work, and self-denial.

The former leads inevitably to increased worry, greater misery, and ultimate ruin; the latter to contentment, prosperity, and strength. So far we have chosen the former course. When we have heard of unrest or political discontent, we have readily and generously tendered an appropriation. When the taxpayer has protested too earnestly, we have bravely put the burden upon posterity. Like economic cannibals, we are preying upon one another, and, going the cannibal one better, we are now preying upon our children and our children's children. Prosperity we assume is to come, not through individual sacrifice and individual effort, through self-exertion and personal initiative, but through the open door of the Public Treasury. Although the sources of taxes are drying up, yet those who are not making their way from the Public Treasury with what

they could get are wending their way toward it to see what is left. If I were going to open the Treasury to any people, or if I were going to support a continuance of this policy, I would not turn the soldier away. But the road over which we are traveling means industrial distress and ultimate disaster from which the soldier himself can not escape. People simply can not and will not much longer carry the load which we are imposing upon them. We have already tested their patience to the breaking point. The multitudes, it has been said, in all countries are patient to a certain point, but no statesman has ever yet been wise enough to foretell the particular point at which that patience ceases.

I grant you that if this policy is to continue there is no argument by which you can exclude the American soldier from participating in its temporary advantage; but it should also be said that there is no logic by which you can exclude him from its permanent disadvantages. No one is more deeply concerned in getting back to right principles and sound policies than these young men. No one is more vitally interested in the future welfare of the country. The unwisdom of the course we are now pursuing will fall more heavily upon these young men and theirs in coming years than upon those who are now in places of authority. It may be vain in this mad hour of political exigency and reckless appropriations to urge these views, but the inevitable hour will come when the soldier himself will regret, deeply regret, he ever consented to become a part of any such scheme. It may be idle—it may even be thought presumptuous—at this time to speak for a different standard, but I doubt not at all that in later years the soldier himself will rue the heedless hour when he exchanged a noble heritage for less than a mess of pottage. The thing which he gave, and stood ready to give, was without money and without price. The thing which he earned, the glory which was his, transcends the miserable values of the market. He does not rightfully belong in this futile scheme to rebuild civilization and reconstruct a bankrupt world through subsidies, bonuses, appropriations, taxes, and debts.

You will all recall the uneasiness, the anxiety, with which we followed the American soldier across the sea and onto the battle line in Europe. He had been hurriedly called from the farm and the workshop, from school and college, and, practically unseasoned, undisciplined, and untrained, sent forward to meet the ordeal of war. His countrymen awaited the result with mingled feelings of fear and faith, and the whole world speculated on how he would meet the test.

We were told that this would be the real test of democracy—could a republic devoted to peace stand against the onslaught of centralized and thoroughly trained and highly militarized powers? We all know the result. The pride and the exultation we experienced over those first encounters of our troops no tongue can tell. They had met the test. They had vindicated our whole theory of government. They had justified our standard of civilization. They had checked and were soon to turn back the armies which had brought three great nations to bay. They had demonstrated that there was something after all higher and more masterful than sheer force—than mere organization. Behind the gun was character. Behind the weapons of destruction was unbought, unpurchasable love of country. Such service, sir, is the only security a republic can ever know. Such service spurns the idea of compensation, eludes all estimate, and defies the sordid rules of arithmetic. Let those disposed to do so trifle with the future by attempting to write across this glorious record "adjusted compensation."

But stern as was the task of the American soldier in war and unstinted as was the praise he won, a yet more inexorable obligation and a great opportunity awaited his return to civil life. The course which we are now pursuing will prove in the long run more dangerous to our Government than a foreign foe. A proud, strong nation may suffer a reverse in arms, but time may still find it triumphant. An independent and self-reliant people may be overcome by the fortunes of war, but time fights on their side to final victory. But a nation whose citizenship has been drugged and debauched by subsidies and gratuities and bonuses, who have surrendered to the excesses of a treasury orgy, has taken the road over which no nation has ever yet been able to effect a successful retreat.

Before we can come back as a people we must change our standards and adopt a different policy. Who will set up the new standards? Who will contend for the new policy? If these young men fail to do so, where shall we look for leadership? If great tasks and great opportunities be the things for which strong men yearn, this is the most coveted hour in the whole history of our Republic. The glory of Flanders Field and the deathless courage of Chauteau-Thierry will not surpass

the glory and the courage of the young men who see their duty and do it now.

The Great War threw back upon society its most stupendous task. Nothing like it in all the history of the world. The whole social and economic fabric had been shaken from center to circumference. Many of the most sacred traditions of the race, some of the most precious rights of the citizen, seemed imperiled. Old precedents were discredited. New policies were now at hand. To the ordinary citizen the world seemed steeped in debt, the future filled with drudgery and toil. It was a stricken world—hunger, disease, crime, suicide, insanity—stricken, it would seem, by one to whom alone vengeance belongs. But in spite of this fearful catastrophe the people bore up, carried the load with marvelously little complaint—carried it because they were promised on all hands and from every quarter by all political parties and all public servants that there was to be a new and nobler era in governmental affairs. Their interests were to be zealously guarded, sympathetically and vigilantly protected. We were all to cooperate to lift the load and lighten the burden. Are we keeping the promise made? Are we fulfilling the pledge? Are we lifting the burden? The faith of the citizen is after all the sole source of power in a free government. To destroy it is the most reckless offense of which the public servant can be guilty.

Is there any doubt, Mr. President, that there is a political revolution on in this country? We may not feel it in all its effects in Washington, but it has reached here to some extent. The people are resentful of the fact that the promises to lift the burden have not been kept. They are striking at men in office, in power, in order to reach systems and policies and programs. Business men are borrowing money to pay their taxes. I have examined the lists in 10 of the great agricultural States of the Union and thousands of farms are for sale for taxes. While this condition confronts us, and while labor is dissatisfied and the farmer is discontented and business discouraged, we propose without hesitation, it seems, to lay upon the American people an additional burden of from \$4,000,000,000 to \$6,000,000,000.

The Republican Party is now in power. Others may vote with the party to lay on these increased taxes and burdens, but the responsibility is fixed and inescapable; it is with the party to whom has been intrusted the reins of authority. For the sake of our common country, for the sake of peace and happiness among the millions who must bear the awful load, who can not pass it on, will not the old party of so many noble victories rise to meet the occasion and stop once and for all this orgy of extravagance, this saturnalia of expenditure, until the people can redeem our country from discontent and strife and bring it back to prosperity and power?

Mr. STANLEY. Mr. President, I wish most reverently to turn just for a moment from the graphic picture painted by the truly great Senator who has just addressed us, great not only in his prescience and vision but in his superb courage in speaking the truth no matter whom it hurts, in heaving to the line in his own party or in mine, letting the chips fall where they will, in his masterly denunciation of the most abominable heresy in all political economy, the pernicious delusion, that by the jugglery of taxation we can increase wealth by taking it, that we can lift the burdens from the backs of a people by increasing them, that we can add to their independence by making them pensioners and parasites upon the Public Treasury instead of depending upon their own initiative and their own energy.

I would turn from that vivid picture he has just painted, one which I shall remember with delight as long as I live, to a country under a patriot and a sage who believed that governments were made for men and not men for governments, that the source of wealth was in labor and not in law. In his last inaugural Thomas Jefferson used these remarkable words, which now find their echo in the clarion tones of the Senator from Idaho [Mr. BORAH]:

At home—

Said Jefferson, in his second inaugural—

fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, or useless establishments and expenses enables us to discontinue our internal taxes. These covering our land with officers and opening our doors to their intrusions had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained, reaching successively every article of produce and property. * * * It may be the pleasure and pride of an American to ask what farmer, what mechanic, what laborer ever sees a taxgatherer of the United States?

The ardent hope of the Senator from Idaho may yet find its realization when God in his goodness gives another Thomas Jefferson to this distracted and plundered country where greed,

folly, and fanaticism rule supreme for the hour and the hour only.

Mr. McCUMBER. Mr. President, a moment ago all was darkness and gloom, but this moment God's sunlight is shining above us. I still have faith in humanity, that in some way it will find the pathway cleared for the future and that the sons will be worthy of their fathers. In that faith I think that we can go on with the business of the country in the confidence that all of the wisdom, all of the greatness on the face of the earth is not behind us, and none gleaming to-day to lighten our pathway.

Mr. President, the world has met conditions before. The country has met conditions perhaps not quite as dark and gloomy as they appear to the Senator from Idaho to-day, but conditions which, measured by its ability to meet them, were far more burdensome than those which are imposed upon our shoulders to-day. The Senator from Idaho looks with apprehension upon the slightest increase in the indebtedness that we are to meet next year. Why, Mr. President, notwithstanding the fact of the mighty obligations that were imposed upon us at the close of the Great War, notwithstanding the fact that we did not at that time half realize the burden that had been placed upon our shoulders, within the last few years we have reduced our national indebtedness more than three and one-half billion dollars. We shall meet our future obligations. Though the outlook may at times seem somewhat dismal, I have no fear that with our mighty resources, many of which are scarcely half developed, we shall fail to have the courage and the intelligence to meet those future obligations as we have met our obligations in the past.

Mr. BORAH. I quite agree with the Senator that we shall meet them if we thoroughly understand them; but will the Senator tell me how we obtained the money to pay \$3,500,000,000 of our indebtedness?

Mr. McCUMBER. I suppose we got it from taxation.

Mr. BORAH. We did not; we got it principally from selling surplus war materials.

Mr. McCUMBER. Yes; we sold a little of war material, but we did not get all the money from that source.

Mr. President, even the Underwood tariff law is bringing us in a revenue for which we did not look. In anticipation of a heavier tariff the goods began to come into the country as rapidly as the ships could bring them here and demand could be made for them. Instead of our customs revenue under the pending bill being \$350,000,000, it will probably reach \$400,000,000. The Actuary of the Treasury Department in his first estimate of the receipts from the revenue law of 1921 for the fiscal year 1922 came within \$1,000,000 of absolute accuracy, and in the estimate which he is now making as to the future revenue to be derived from the proposed tariff law which we have before us he estimates now that it will run nearer \$400,000,000 than \$350,000,000.

Mr. President, conditions are not quite so gloomy as some might imagine after listening to the most eloquent address of the Senator from Idaho. We sometimes acquire exaggerated ideas and notions as to the real situation in the country. For instance, the Senator stated that the bill providing for the soldiers' adjusted compensation would cost from four billion to six billion dollars. The Actuary of the Treasury, in whom I have the greatest confidence, after the most thorough investigation of the probable draft upon the Treasury to be made by the compensation bill, estimates that about \$3,800,000,000 might possibly be paid in 40 years. The country will grow, Mr. President, in population and in wealth during the next 40 years, and, in my opinion, if we are owing an honest debt to these men we ought to pay them even if it causes a little drain upon our pocketbooks. God knows those who have remained at home made enough here in the United States while they were serving their country without added compensation to enable us to pay forty times over the debt we owe them. I do not think we ought to complain if we are called upon to divide a dollar here and there, when we made thousands of dollars, in order to adjust the compensation of the men who fought our battles. I can not quite understand how Senators can stand here and vote for a good roads measure that will cost \$125,000,000 in a single year and yet feel that they are committing an offense against the country if they vote for a bill which will require an appropriation of only \$78,000,000 for our soldiers during the next year.

Mr. KING. Mr. President, will the Senator from North Dakota yield?

Mr. McCUMBER. I yield to the Senator from Utah.

Mr. KING. The able Senator from North Dakota has just made the observation that if we owe the soldiers we should pay them; that we should pay our honest debts. The impli-

cation was that we owed the soldiers, and therefore should pay them. I should like to ask the Senator what standard he has invoked in determining our monetary obligation to the soldiers; and, if he has invoked a monetary standard, how is he satisfied with the moderate sum which he has stated of three billion five or six hundred million dollars?

Mr. McCUMBER. Mr. President, if the Senator from Utah were an autocrat, as he is not, and if he had two men working for him whom he was paying \$3 a day, and he said to one man, "Shoulder your gun, fight my battles, go down to death, if necessary, and I will continue your pay at \$3 a day," and he told the other, "Stay at home out of danger and help me furnish materials to your brother who has gone to war, and I will pay you \$9 a day for doing that, but, as I have not got that extra \$6, I will borrow it and turn it over to you, and you will have to give me your note and you will have to sign to that note the name of your brother who is over fighting my battles." The man who was sent to battle would not get one penny of the increase of \$6 a day, but when he came home he would have to shoulder the obligation. Now, I insist that there is something to adjust between those two men.

Mr. KING. If I understand the Senator's position, he puts it on the basis of a day's work?

Mr. McCUMBER. I do not care on what basis it may be put. In the eyes of some it may be based on the day's work of those who labored, but more appropriately on the enormous profits of those who were contractors and who bled the Government white and then levied that indebtedness in the form of a great bonded debt on the shoulders of future generations. It matters little how it came about; the fact is that when the soldier came home he found that his brother coworker had participated in all of these advantages, had reaped the higher wage, had enjoyed enormous profits, and then left the debt for him to pay. I say, yes, there is an obligation.

I support the adjusted compensation measure upon the theory that there is a moral obligation, and if it were an obligation resting on individuals instead of a nation any court of justice on the face of the earth would enforce an accounting that would give to the soldier something like fair and equal compensation with his stay-at-home brother. We do not all look at this matter of the soldiers' compensation in the same light, and I have no quarrel with those who take a different view. I justify myself because I feel that there is justice in the soldiers' claim.

Mr. President, I do not believe that we are all going to the bow-wows because of our extravagance. It is a bad element; it was incident to the time of the war when money was free and flowed like water. It takes a nation years to reform its extravagant methods growing out of war; but we are bringing about that reformation not so rapidly as the Senator from Idaho and I would like, but we are retrenching, and we will continue to do so, and we will pay our honest debts while we are doing it.

Mr. President, I realize that it is rather discomfiting to listen to an eloquent address upon great national and world issues and then be compelled to drop down to dry fish, pickled and in brine, but that is the practical situation; we have got to meet it; we have got to get back to our dried fish and do something with it. I am not going to make a speech on the tariff bill in general; I think we ought to give our attention to the particular schedule before the Senate, but I want to answer one statement which has been iterated and reiterated here again and again, but which is erroneous.

The committee has not been frightened into reporting any lower rates, nor has it been frightened into increasing any rates by anything which has been said in the Senate. One might think from the arguments on the other side of the Chamber that the committee had reported changes after Senators on the other side had discussed the schedules. We did not make one of the changes after they had discussed them. We had occasion when we reported the bill in the first instance to say that conditions as to values were chaotic throughout the world. We admitted the almost impossibility of making a rate to-day which we were certain would be right to-morrow. So we stated fairly and openly that the committee would continue in session every day and that we would report from time to time such amendments as new conditions as disclosed by new sources of evidence would justify. We have followed that rule; we will continue to follow it to the very end. On the whole, such amendments as the committee have reported have been downward. Why? Because I think the low cost of production has reached its limit in the Old World and is going upward, while on this side of the Atlantic the high cost has reached its limit and is going downward, and as these two extremes more closely approach each other we need a different rate to be fair and just and sufficient, with all, to take care of the difference in the situation.

We will meet the conditions which develop as we go along with these schedules, and we will raise rates if we think we ought to raise them, and we will lower them if we think they ought to be lowered; but I want to say with reference to the tariff in general as it appears to-day that, measured by the spread between foreign production and sales and sales of comparable articles in the United States, this tariff bill gives a less rate of protection than any other Republican tariff bill that has been passed in the last 50 years.

When we impose a duty on wool of 33 cents per pound upon the scoured content we are compelled to give a compensatory rate to the manufacturer of woolen goods. That we have done, and have gone no further than the compensatory rate plus a very small protective duty, less than in previous tariff bills when we compare the difference between wages of the competitor, wages on this side of the ocean, and the other elements that enter into a determination in the competitive field.

Mr. President, I hope now that we can go on with our tariff bill. We will vote upon the cloture matter to-morrow; and if it is defeated we will, of course, go on in our patient, long-suffering way and hope some time to bring the matter to a final decision.

Mr. SIMMONS. Mr. President, I dislike very much to interfere with the return by the Senator from North Dakota, as he desires, to the pending schedule of the bill; but I feel compelled to make some observations upon the pending motion upon cloture. While I am hardly physically able to speak this afternoon, I am constrained to do so, because I fear that if I defer it until to-morrow I shall not have an opportunity during the only hour that is set apart before the vote.

Mr. President, before I approach the question of cloture I want to say that I am quite sure that the Senator from North Dakota was correct in his statement a little while ago with reference to the changes made by the committee in the tariff bill, so far as he is personally concerned, that nothing has been done through fear. The Senator from North Dakota is one of the boldest men I have ever known in public life, and I am sure that, personally, he does nothing through fear. I am also sure, and I want to say it now because I feel it, that there is not in public life to-day a more upright and a more independent statesman than the able Senator from North Dakota; and there is nobody in this Chamber who will personally regret more than I shall, when his term expires, to part with him as a colleague in the Senate.

Mr. President, I propose merely to talk about this cloture motion this afternoon and shall not, if I can avoid it, speak upon it in the usual way in which we speak in this Chamber.

The Senator from Minnesota [Mr. Kellogg] saw fit in his remarks this morning to indulge in some criticisms which I take as rather personal to myself, because they referred to the distribution of the work on this tariff bill upon the floor of the Senate among the members of the minority of the Finance Committee, assisted by certain other Senators upon this side.

The Senator was severe in his characterization of the purpose of that distribution. He attributed it to a desire and an intent upon this side of the Chamber to prolong the discussion and to take up unnecessary time in the consideration of the tariff bill.

I desire to assure the Senator from Minnesota—for he is my friend, and I would say nothing offensive to him—and I want to assure the Senate and the country that nothing was further from my thought in making this distribution as ranking member of the minority of the committee than the motive assigned to my action by the Senator from Minnesota. As chairman of the Finance Committee during the Wilson administration when we brought in the Underwood bill and presented it to the Senate, I realized then, as I have realized in the consideration of this bill, that I then as chairman and now as ranking member of the committee, would not be able alone to give to all the items of these bills the consideration and attention necessary to an intelligent and an adequate understanding of them in order to present them to the Senate and the country as they should be presented; and at that time I hit upon the plan of distributing the schedules among subcommittees of the minority, and I found that the plan worked admirably. When this bill came in, after consultation with the other members of the minority, it was decided that the same course should be again pursued. The object was not, as the Senator seems to think, to prolong discussion, but it was to curtail discussion by a better and more thorough grasp of the individual subjects to be discussed. I think my plan has again worked very well.

Mr. President, I do not wish to thresh over old straws, but I submit that if there is a proper understanding of the situation which confronted the minority with respect to this bill it will not be believed or thought that we have taken more time than

has been reasonably necessary to accomplish the object that we set out to attain—that of giving the country and the Senate our viewpoint with reference to the various taxes imposed in this bill. The Senator from Ohio [Mr. POMERENE] this morning interrupted my good friend the Senator from Minnesota [Mr. KELLOGG] when he was discussing the number of amendments that have been already discussed, and comparing the amendments in this bill with the Senate committee amendments of past tariff measures, and the time that had been taken in the discussion of this bill as compared with the time that was taken in the discussion of former bills, with the statement that this particular bill had taken longer in all of its stages than the Underwood bill or any other tariff bill; that it had taken longer in the Committee on Ways and Means of the House than any other; that it had taken longer before the Committee on Finance than any other; and he added that it carried 2,000 amendments, or something over three times as many amendments as were contained in the Underwood bill.

Mr. President, he might have added and still have been within the limits of truth that this bill contains a larger number of amendments than all the tariff bills that have been passed by the Congress since the Civil War taken together.

I have not made an exact calculation, but calculating as far back as I have personal knowledge of, and getting some information in regard to events even further back than my personal knowledge goes, I am quite sure that if I am not altogether within the limit of accurate statement I am very nearly within the limit when I say that this bill carries more amendments made by the Senate committee than all the other tariff bills together that have been before the Senate since the Civil War. If the Senator from Alabama, who has great experience and information in these matters, thinks I am incorrect in that statement, I would be very glad to have him correct me.

Mr. UNDERWOOD. As far as my knowledge goes, the Senator is correct.

Mr. SIMMONS. Mr. President, it is admitted that we have now been discussing this bill as long as we discussed the Underwood bill, and we have acted upon as many amendments already as were attached here to the Underwood bill. We have acted upon 700 amendments already, and I do not think the Senate Finance Committee made quite 600 amendments to the Underwood bill. But outside and independent of the number of committee amendments, I want to call the attention of the Senate to the fact that there is a radical difference with respect to the time which would reasonably be expected to be taken in discussing these amendments and the time spent in discussing the amendments to past tariff bills, especially the last two tariff bills.

The rates in the Underwood tariff bill were based upon a definite policy. Those rates were levied for the purpose of raising revenue. It was an easy matter to test those rates and determine whether the subject under consideration was one upon which a revenue duty might with propriety be imposed. It was easy to determine whether the revenue duty imposed was too great or too small to carry out the general policy upon which the bill was framed. Hence, Mr. President, not much discussion, not much investigation, not much statement of facts were necessary in connection with the discussion of those amendments.

The Payne-Aldrich bill was based, or was supposed to be based, upon a definite and specific policy in the fixing of the rates. It was based upon the Republican theory of the difference in the costs of production here and abroad. The Finance Committee which prepared that measure had investigated those differences and ample data had been furnished the Senate by which we might easily and readily determine and test the adequacy or the inadequacy, the justice or the injustice, of the rates by the principle upon which they were laid.

But when we approach this bill we find that a different situation exists. It is not a bill framed upon revenue principles. It is not a bill framed upon the difference in cost of production here and abroad; it does not pretend to be either. Its sponsors and advocates do not claim that it is. They admit frankly that they sought no such information and got no such information. It is framed upon the theory of the difference in the selling prices of the foreign products and the American products; and it has been disclosed in the course of these discussions—practically not denied; indeed, virtually admitted—that the committee is not itself in possession of the necessary information to enable it to determine whether the duties correctly measure the differences or not.

There was no governmental investigation of that question or of the factors in that problem. In most instances the committee took the statements of witnesses personally interested in the subject matter as to one or the other of these essential

factors in making that determination; and then, when the committee brought in its bill, it furnished us with books claimed to contain information necessary to enable us to test these duties; and yet, when you turn to those books, I defy any Senator to point out, in the summaries which are given with reference to the 2,000 amendments in this bill, any data or any information at all adequate, indeed, or of consequential importance, in connection with the very fundamental questions lying at the basis of the rates. That is a vital thing that is omitted.

We could not discuss these rates, we could not test these rates, until we had sought and found these essential data in the best way we could and presented them to the Senate for the first time, because they were not to be found anywhere in the published evidence or the published statements of the committee.

Mr. KELLOGG. Mr. President, so far as cost of production in Germany is concerned, the Senator has not produced anything except the sale prices, nor can he.

Mr. SIMMONS. So far as the committee was concerned, when it dealt with Germany it undertook to determine everything by the wages paid, or which were alleged to be paid, to German laborers, with full knowledge of the fact, I assume, because they ought to have had knowledge of the fact, that in Germany in very many instances the labor costs, for purposes of comparison, can not be ascertained by the amount of wage paid in one country or the other. We have not been able to get the information in many instances, but we have tried the best we could to get it; and the point I am making is, not that we had to shuffle about to get information but when we got the information it took time to present that information to the Senate, because the Senate did not have that information—

Mr. KELLOGG. Nobody could get the information.

Mr. SIMMONS. The Senate did not have it, as we have heretofore had the essential information to enable us to test rates as it appeared in the published statements of the committee.

I contend that if you take into consideration the difficulties under which we have had to labor, and these differences in conditions, we have done a very remarkable thing in having been able to discuss as many of these amendments as we have discussed. I concede that we have discussed a greater number of these items specifically than is ordinarily done in the case of a tariff bill, but we were considering a bill framed upon a new principle, and the minority of the committee was entirely satisfied that the rates levied by the committee were ascertained in a most haphazard sort of a way, and that it was our duty to the people of this country, and to the Senate, not only to investigate but to bring facts before the Senate and the country which would enable Senators and enable the people to test these rates for themselves. That has been our labor.

I know we have passed tariff bill after tariff bill when the discussions have not been sufficient to enlighten the people at all and when the law was finally enacted without the people knowing what was in it. We would have been derelict in our duty if we had permitted that to happen under the circumstances which now environ us. We have tried to carry the information to the people, and we have succeeded, with the aid of an efficient press that felt about this matter just as we felt about it and that from the beginning up to the present time has given us most helpful and most cordial cooperation.

For the first time in the history of this country, I want to say, the people of this country, even those living in the remote sections, not only the city people but the country people, are reading real facts about a tariff bill, because the papers are publishing facts about it and are discussing it intelligently. The people are reading about it. They are beginning to understand it as they never heretofore have understood a tariff bill, and I say now, from my experience in mixing recently with people living out in the country, where I myself am living, I have never known the people to be as well informed as to what a tariff bill meant to them as they are to-day with reference to what this bill means to them, and when you charge that the time we have devoted to bringing to the people the knowledge of what this bill means has been wasted you are speaking far wide of the mark.

If you do not appreciate the value of these discussions and the information that has been disclosed and carried far and wide throughout the country to the people of this country, to the people who have to pay the taxes, let me tell you that the people of the country appreciate it. You may think it has been time wasted, but the people of the United States do not think so. The people of the country and the press of the country think that no time has ever been occupied in the Senate of the United States to better advantage in the interest of the people

than the time we have taken to expose this measure in those particulars in which it is so unjust and unfair to the taxpayer.

Mr. President, I know there has been a great deal of extraneous talk during the seven weeks we have been discussing this measure, but there never have been seven weeks when the Senate was in session when there was not just about as much extraneous talk as we have had during the consideration of this bill, which has come about equally from this side and the other side.

Some Senator—I do not recall just which one—undertook a little while ago to present a catalogue of the number of hours which have been taken up on this side of the Chamber as compared with the number of hours which have been taken up on the other side of the Chamber in the discussion of this bill. I do not know, nor do I care, about the number of hours. I suppose we have taken more time, because we were the protesting parties. First we took upon ourselves the laboring oar. You were willing to sit in your seats and say nothing. You were willing to rely upon the party votes you have.

We were dissatisfied with the bill. You were satisfied with it. The burden of pointing out its inequities and its iniquities fell upon us. Necessarily we took the greater amount of time. But more important than that, when you come to comparing the number of hours taken upon the two sides, is the fact that when we were discussing the question item by item and paragraph by paragraph, trying to get information from those on the other side of the Chamber, and being unable to get it, trying to induce Senators on the other side of the Chamber to discuss it with us and were unable to do it—while we were engaged in that effort for three long weeks, Senators on the other side of the Chamber, following the lead of the members of the committee, sat practically mute in their seats and refused either to give us information or to join in discussion with us, and gave us to understand that if anything was to be done here except to vote and record the majority on the other side it must be done by this side without any help or answer from the other side of the Chamber. Of course, under those circumstances we have consumed a greater amount of time than those on the other side of the Chamber have consumed.

Mr. President, I do not think there is a man in the Senate who is more earnestly and more sincerely anxious to get through with the bill than I am. For more than a week I have been thoroughly exhausted and thoroughly worn out with it, physically unable, even when I wished to do so, to discuss it. I want to see it finished, not only for personal considerations but for public considerations. I agree that it ought to be passed as speedily as it can be done with justice to the people who are entitled to know the taxes that are being imposed upon them. I sympathize with the desire of the majority to expedite action. So far as I am concerned—and, I know, so far as my associates on this side of the Chamber are concerned—that within the limits of our convictions as to our duty in the premises we are just as anxious as those on the other side of the Chamber to curtail the discussions and finish with the bill.

I do not know whether you expect to be able to command a sufficient number of votes to adopt the cloture rule or not. If I were looking at the question of cloture purely and simply from a partisan standpoint, I would bid you Godspeed in your efforts to adopt it. I think it would be the end of your party, so far as success in the next election is concerned. I think it would be the most egregious blunder, if it could be carried to success, that a political party ever made. But, Mr. President, I do not look at it from that standpoint. I look at it from the standpoint of the public interest. Looking at it from that standpoint, I feel it my duty to interpose all the efforts within my power to defeat the scheme.

What would it mean? It would mean that for the first time in our history cloture had been applied to a measure containing thousands of provisions imposing taxes upon the American people, and in this case taxes which, together with the incidental increase in prices which would have to be paid by the people, would place a burden upon the American public amounting to billions of dollars, not only during this year but throughout the life of the measure.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. KELLOGG. Did not the Senator apply for cloture in 1917, and after a cloture rule was presented make an agreement to vote on the tax bill?

Mr. SIMMONS. I do not remember. I do not recall whether I made the agreement or not.

Mr. KELLOGG. I think the Senator presented a cloture petition.

Mr. SIMMONS. No; I have never presented a cloture petition. I have presented a great many unanimous-consent re-

quests, but I never have presented a cloture rule. We have had unanimous-consent agreements with reference to all sorts of bills, and under those agreements we have made arrangements with reference to the division of time and the amount of time and all that sort of thing, but that was a matter of agreement, that was a matter of unanimous consent, that was an agreement which was so adjusted and arranged that everybody was satisfied and everyone had all the time that he felt was necessary to enable him to discharge his duty to his constituents and to his country.

Mr. KELLOGG. In one of those cases the agreement was not made until after the Senator had presented a petition for cloture.

Mr. SIMMONS. I do not recall that. Does the Senator mean on a tax bill?

Mr. KELLOGG. Yes; I think it was.

Mr. SIMMONS. I do not think I have ever in my life even so much as considered the proposition of applying a cloture to a tariff bill.

Mr. KELLOGG. A tax bill.

Mr. SIMMONS. I am talking about tariff bills. What does it mean as applied to a tariff bill? The cloture that is provided for in our rules, if it were applied to a bill carrying one general proposition like that of the soldiers' bonus, like that of a ship subsidy, I think would not be a very great hardship, because each Senator would have an hour to discuss the single proposition. But it is different when cloture is proposed to be applied to a bill which carries 4,000 separate and distinct items, which already has had attached to it 2,000 amendments, 1,200 or 1,500 of which have not yet been acted upon or discussed, a bill that probably might be subject to several hundred additional amendments. When you undertake to apply our cloture rule, which limits discussion by each individual Senator on the bill and all amendments to only one hour in the aggregate, you have to my mind presented a proposition that is unthinkable and impossible and that can not be differentiated from a plain effort and purpose to gag Senators and to suppress real discussion.

Further, Mr. President, there are probably 2,000 paragraphs in the bill which have not been subjected to amendment by the committee, in many of which the rates are just as excessive and vulnerable as in any of the amendments offered by the committee. If the cloture prevails, Senators representing those who will have to pay the taxes imposed in those unamended paragraphs and sections of the bill will have no opportunity to offer upon the floor of the Senate any amendment to correct the wrong. So we would have possibly between a thousand and fifteen hundred separate and independent taxes imposed upon the people of the country just as the committee had written those taxes and brought them in here, without any discussion in this body, without any opportunity to amend a single one of them. When before did it ever happen in a free country that it was proposed that men should have their property taxed, with a heavy taxation, too—not taxation for the benefit of the Government; no; but mostly for the benefit of private interests—and the only consideration that was to be given to that law by which their property was to be in large part confiscated for private interest was the consideration given to it in the committee, while the men whom the people had selected and sent here to guard and protect their interests were, by force of the majority, if the cloture prevailed, to be denied the poor privilege of uttering a word of protest or offering an amendment in behalf of their constituents and the taxpayers. I say, when we get to the point that it can happen in a free country that a man's property can be taken away from him and given to private interests without his representatives in the tax-levying body having an opportunity to be heard, either by way of discussion or amendment—when we come to that situation in the United States, I say that the liberties of the American people will be jeopardized unless in their might they rise up then in revolt against any such outrages upon their constitutional and inalienable rights as citizens of a free Nation.

Mr. President, I have done just exactly what I did not expect to do. I have put too much physical effort into what I have said, and I am somewhat weary as the result. Rather hurriedly this morning I prepared some observations of a general character which I wish to make with reference to the proposal to invoke the cloture rule.

Mr. President, it is significant that this motion for cloture on the tariff bill follows so very closely upon the heels of certain disasters to the party in power in recent party primaries. The result of this discussion and the light thrown upon the inequities and the iniquities of the pending bill no doubt admonished those in charge of the measure that the time had come to close the doors against a further inspection by the people. The

presentation of this motion, practically to foreclose debate on the remaining 2,000 amendments and the other thousands of unamended items in the bill, does not mean that the Republican Party in the Senate or outside of the Senate are yearning for the passage of the bill.

Mr. President, they are not. The country knows they are not. It simply means that they have determined that reasons of safety call for the summary throttling of the disclosures and exposures of the outrages, hidden and otherwise screened, in the various paragraphs and schedules of the bill.

There has not been a moment, Mr. President, since Warren G. Harding was installed in the White House, now nearly a year and a half ago, that the campaign promises made to the men who organized and financed the Republican campaign in 1920 for immediate revision of the tariff in their interest, has not been a nightmare to the administration and its leaders in Congress; when the thought of the revision of the tariff at this time did not fill them with fear and trembling; and when they have not looked upon it as a thing to be dreaded and avoided if it might be. There is not a Republican leader of grasp and vision in the Senate or outside of the Senate who does not feel and know that this is not an opportune time to revise the tariff and that such a revision as those who ask and insist upon as a thing promised, due and demanded, is fraught with danger both to the country and to the Republican Party.

Boies Penrose, the greatest leader the Republican Party has had in the Senate in recent years, saw this and fully appreciated and appraised its import. In these circumstances the task of those responsible for action was to devise ways and means discreetly to postpone action to a more propitious time and not to expedite action. These are the reasons that this bill lay fallow in the committee for nearly a year; these are the reasons that it was laid on the shelf for months while a \$100,000 commission spent months in roaming around the world investigating the absurd so-called American valuation proposition. Thus it will be seen that if we are to have a tariff bill at this time, the proponents of this measure wasted a whole year in backing and filling, in going forward and then going backward, in useless wranglings and discussions, in trying to determine whether anything should be done or nothing should be done, in dilly-dallying and "sparring for time" with the men to whom their party was mortgaged and who wanted their "pound of flesh," regardless of whether the season was propitious or the time expedient. When at last it was determined to yield to the demands of the interests and make the final leap in the dark, with danger and threatenings of disaster impending, there were more long months of delay. The time which it was estimated it would take to do the work was doubled and trebled before it was finished.

What was the cause, Mr. President, of these long-drawn-out deliberations? What blocked speedy action by the committee on the bill? What discussions were going on in the committee room? Were they important or were they trivial? Were they necessary to the framing of a bill satisfactory to the interests or the drafting of a bill good for the people? We know what those discussions were, and we know they were not participated in by the people who will have to pay the taxes. They were carried on with the people present who will receive the benefits of the taxes to be laid.

First, there was the question of what sort of a tariff should be written and what should be the basis of valuation. Should the bill be drawn on the cost of production theory? No. Should it provide for the American valuation? No. The one was unsatisfactory to the committee and the other was unsatisfactory to the interests with whom they were conferring during these long months. These men who were there asking that the people be taxed in their behalf did not want the taxes levied upon the basis of the difference in the costs of production. That was not the sort of a tariff for which they were looking.

The committee, of course, was helpless. It did not have the facts; it could not get the facts, as it admits, to base the tariff upon the difference in the costs of production. Therefore that theory of tariff taxation was thrown overboard. The interests wanted and insisted upon tariff taxation so levied as to maintain their present profiteering prices and afford an opportunity to increase those prices hereafter; and that is what they got. That was the subject of the wrangling for months, Mr. President. It finally terminated in the committee scrapping all the theories of their party with reference to tariff taxation and giving to the interests, who had their ear from day to day, who swarmed around the committee room, who had their experts here with volumes of data, the kind of tax they wanted, although new in our history, although containing great wrong and oppression, although calculated and intended to maintain

prices at the present high levels, when the people are praying for and demanding lower prices, and although it provides the easy and transparent method by which those interests at will may further advance their prices and yet enjoy immunity from foreign competition, such as they have provided for themselves against domestic competition by combination and monopoly. That is what was given to them.

I say that no such boon at the expense of a great people was ever conferred upon a special class as that conferred by this bill upon the special interests which came before the committee and stayed there with their lobbyists and their experts and their accountants until they got exactly what they wanted written into the bill.

Mr. President, I, therefore, say the men who are asking that this taxation be laid upon the people for the benefit of private business had their full day in court. That day extended through almost a year, if one considers the time when the tariff negotiations and the tariff conferences began between the committee in the other House and ended in the committee in the Senate. They had free entrance for themselves and their retainers, and they took advantage of it at every step of the proceeding, which ran through a whole year. I repeat, they have had their day in court. If ever a litigant was given a full and a sympathetic hearing, they were given a full and a sympathetic hearing.

But, Mr. President, where were the other parties to this transaction? Where, during all of these long months when the beneficiaries of this bill were enjoying the conferences and the confidence of the committee framing this measure, were the other parties to that transaction? What was the nature of the transaction? It was a proposition to impose a tax, chiefly for the benefit of certain favored individuals and corporations in this country, and only incidentally for the benefit of the Government, upon whom, Mr. President? Upon the 110,000,000 of people in this country, and upon practically everything that 110,000,000 of people buy and consume. Scarcely anything escaped. Where were the victims of these taxes? What opportunity have they had to be heard upon this question of imposing levies upon their property, not for the public benefit but for private interest?

The people upon whom these taxes were to be levied and collected were not there. The case of the tariff tax levy of 1922 against the people is now in the court of last resort. The taxpayers were denied their day in court, or at least they did not have it. They did not ask it, and if they did not ask it it was because they trusted to their representatives here to take care of their interests. It probably was because they were not seekers after special privileges, like these gentlemen who appeared before the committee, but were at home, attending to their private affairs, working in the shops and in the factories, working and toiling in the fields and in the stores and the countinghouses and in all the different channels of employment and activity in the country, attending to their business, that business in the main being to secure the necessities upon which to support the life of themselves and their families.

Mr. President, the people who are to pay these taxes are in the main people who deal with the necessary things of life, who spend their time trying to accumulate the simple things that are necessary to sustain life in a civilized country. They were not before the committee. Their case is here to-day. They are represented here by their representatives, asking that they be heard in their behalf before the final decree is rendered against them, and before the writ of execution upon their property is ordered placed in the hands either of the Government or of the private beneficiaries of these taxes.

Mr. President, here is to be written the decree either in behalf of the people or against the people, and here is to be written not only the decree for levying taxes, but the decree for collecting the taxes here imposed upon the people.

The people have had no opportunity to be heard up to this time. Their representatives upon this floor stand here to-day asking that they be heard in the only tribunal to which they can now appeal for a hearing. They could not get anything like an adequate hearing in the House, because of the parliamentary situation there and its rules; but here, Mr. President, is a forum in which they had the right to suppose that through their representatives they would be given full and fair and adequate hearing, and that nothing necessary to protect their rights would be denied to them. But what do we have here? A proposition coming from the other side of the Chamber, a proposition coming from the committee that drafted this bill imposing these taxes upon these people that have never been heard, denying the right of the people's representatives upon

the floor of this Chamber to stand here and debate these taxes, and to offer amendments for their alleviation or for their removal if wholly unjust. You now propose to deny that right.

How are you going to stand before the American people in advocacy of such a proposition as that? When, until this day, has the American citizen had his day in court, or his opportunity to be heard upon this bill? When is he to be heard if he is not heard here through his representatives, if my mouth is closed and if the mouths of these other gentlemen over here who stand for him and the mouths of those over on the other side who stand for the consumer and the taxpayer are to be closed and gaged, and only an hour allowed to discuss 2,000 amendments, those acted upon and those that it is assumed will be offered here in the taxpayers' interest, largely—only an hour to discuss them all or to discuss the bill, and then the right of his representatives and spokesmen here to offer amendments in his behalf is denied?

Mr. President, it is very strange that this motion comes at this particular time.

These charges of filibustering have been made here for a month, and now, just as we are reaching probably the most important schedules in this whole bill so far as the taxpayers are concerned, just as we are reaching the cotton schedule and the wool schedule and the silk schedule and the sundries schedule—all matters of deep and profound importance to the taxpayer, every item in them of consequence to him—we are suddenly halted here with this proposition and told that there must be no further adequate discussion of these schedules; that there has been enough discussion about "small" and "trivial" matters.

Mr. President, what one man calls a small and trivial matter may be a big matter to another man. I want to say to the Senator from Massachusetts [Mr. Lodge], who was making his point yesterday, that that which seems small and insignificant and trifling to the man of great wealth becomes a matter of deep and profound consequence to the poor, struggling man who is making his living by the sweat of his brow; and it is the masses of this country who make their living by the sweat of their brows who are going to have to pay the high taxes that are imposed in the schedules that we are just about to reach. These schedules involve practically every thread of clothing which is to cover the bodies of themselves and their families, and upon those clothes are to be imposed unheard-of and unprecedented taxes.

Mr. President, Schedule K—alias Schedule 11 in this bill—Schedule K, under its alias, is about to be reached; Schedule K of infamous fame; Schedule K, which imposed its cruel burdens upon the people of this country until there rose here in the United States Senate a man who, although he was a Republican, in the name of the people had the courage to assail it, whose unequalled eloquence in defense of the people against the cruel burdens and exactions of Schedule K shook the Capitol from foundation to dome and thundered over this broad land from ocean to ocean and from the Canadian border to the Gulf, arousing such indignation among the people of this country against Schedule K as resulted in the most remarkable political upheaval that has ever taken place in the United States from the day of the birth of the Republic.

Here we have Schedule K magnified, Schedule K standing there by the side of Schedule 11, its alias, a dwarf skulking behind his overshadowing giant companion. We are not to be permitted to discuss Schedule K. It might be too dangerous to the Republican Party to permit us to discuss Schedule K, or Schedule K's alias. We are to be gagged. The people's representatives are to be silenced by the brute force of votes corralled by the committee by all sorts of methods of logrolling.

We have seen one State given high protective duties upon practically everything it produces, high enough to force the 110,000,000 people of this country, living in every part of the United States, to pay for their products a half more than they would have to pay if they were permitted to buy elsewhere, although the freight on them across the continent amounts to as much as the things themselves are worth. In a short time that State ought to be the richest State in the Union, with practically everything it produces protected by a prohibitive duty, and all the balance of the country forced to buy its products, regardless of distance and freight costs.

Another item in this bill in which the South and the West are interested, of which they are the chief consumers, carried a high duty. They use the article taxed in raising their cotton, in raising their tobacco, in raising their corn, and in raising their truck. It was a tax upon production. It was an unwarranted tax. It was an unprecedented tax. Those sections appealed to the committee—I know the section from which I come did—to have that burden taken from the strug-

gling agriculturists of our sections of the country, but we made no headway. The appeal was ignored and unheeded. It happened that one little State, using about \$300,000 worth of that product in the growing of potatoes, was to have a senatorial primary, and the appeal of one Senator was sufficient to secure the removal of a duty which the combined appeals of constituencies that use from \$15,000,000 to \$20,000,000 worth of the product were not able to accomplish.

Mr. President, it may be that this gag will be placed upon us. It may be that we shall not be able to offer any amendments in behalf of our constituents. It may be that we will not be permitted to debate any of the amendments which are pending. I do not know whether this motion will prevail or not. If it prevails, it will not be the end of our discussions; it will not be the end of our exposures. There are other bills to come before the Senate which will probably be called up for action during this session of the Senate. There is the ship-subsidy bill, a bill which practically gives the American merchant marine to a favored few and then requires the Government practically to pay the expenses of the operation, so that they may have most of the profits clear and have their property without cost. That will come up.

If we are not permitted to discuss the iniquities of Schedule K and of the cotton schedule and the silk schedule while this bill is before the Senate, let me warn the gentlemen who seek to get rid of these discussions which we are making here in behalf of the people of this country, the taxpayers, the men who are to pay the taxes you are imposing upon them, instead of getting rid of them they will simply postpone them, for just as soon as the next bill is called up, if we are not permitted to discuss the iniquities of these taxes now, we will discuss them then. If the gag is applied on the soldiers' bonus and applied on the ship subsidy bill, and we can not discuss those bills, as we will have been denied the opportunity to discuss this bill, then I promise that even though denied a hearing in this august body, in this last Chamber and tribunal of deliberative legislative work, if denied by these revolutionary tactics of the majority the right to discuss these things in this Chamber, then we promise you that the people shall know the iniquities of this thing, for we will take their cause to the hustings from one end of this land to the other, we will take it through the press, and we will take it through every channel of publicity that can be commanded. We tell you that you shall not impose these burdens upon the people, shall not impose these taxes for private purposes upon the struggling masses of this country, without an opportunity on their part, through their representatives, to be heard in this Chamber of this free American Government, not only in the way of opposition and protest but in the way of amendment and amelioration.

Mr. NORRIS. Mr. President, I have often said, since the proposition for cloture was suggested two or three weeks ago, that I expected to vote for the cloture rule, and since I have reached a different conclusion it seems to me only fair that I should briefly state my reasons to the Senate.

I have reached the conclusion that I ought to vote against cloture from an examination, first, of the cloture rule itself, and then on account of the condition of the bill to which cloture is to be applied under that rule, if it is applied at all. When I take those two things into consideration, I can not bring myself to the conclusion that it would be just to apply cloture to the pending tariff bill.

The rule if adopted and applied to a bill of this kind would practically end debate. It provides that after the rule is adopted no Senator shall talk more than one hour in the aggregate upon the bill and all amendments thereto. Not half of the committee amendments have been acted on. Some of the most important features in the bill are yet undisposed of. The rule prohibits the offering of any amendments unless the amendments are read in the Senate before the rule is adopted. It is an impossibility for Senators to propose amendments to some portions of this bill, with any intelligence, at least, until after the committee amendments have been disposed of, and when I looked into it with reference to some amendments I wanted to offer myself I say that I could not prepare the amendments with any intelligence until I knew what the final action on the committee amendments would be. Therefore the adoption of this rule would, in effect, prohibit the offering of amendments to the bill.

I have not been satisfied with the way time has been taken up in the discussion of this bill. To my mind a considerable portion of the time has been wasted. We have devoted days to unimportant and irrelevant matters, and I confess that I have felt that we would be justified in adopting some rule that would bring about an end to this almost endless turmoil. When I look, however, and see where that rule is going to land us

with the bill in the condition in which it now is, I feel that I would be jumping out of the frying pan into the fire.

Personally, it is my contention that we ought to have some regular standing rule of the Senate which would automatically control debate on the various amendments as we proceed. But when we see that the wool schedule, the sugar schedule, the authority in the bill conferring more power than has ever been conferred upon a President in regard to the tariff, are all undiscussed, none of them yet reached in the bill, and when I realize that the steel schedule is yet subject to individual senatorial amendments, I confess that I am compelled to admit, notwithstanding the fact that the rule of the Senate has been so liberal that the right to talk has often been extended and misused, that to adopt this particular rule and curtail debate just as this would curtail it would be something that to me, when I consider the facts and come face to face with them, would be obnoxious and something that I could not conscientiously sustain or defend. I have reached the conclusion, Mr. President, that the rule ought not to prevail.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I want to call the Senator's attention, if it would not be disturbing to him, to the fact that notwithstanding numerous provocations in the past, for considerably more than 100 years the Senate has resisted every effort made to limit debate. It was tried during the Civil War. It was tried in the days following the Civil War when it was alleged that the Democrats were frittering away time and were resorting to dilatory tactics and procedure. The Republicans, irked and irritated, suggested upon frequent occasions amendments to the rules. Men like Mr. Morrill, of Vermont, and Mr. Wilson, of Massachusetts, eminent Republican Senators, suggested amendments to the rule, but they never were reported out of the committee.

It was felt, as was stated by former Senator Hoar in an article which he wrote, that there ought to be one place where there was free and unlimited debate. So, notwithstanding, I repeat, the provocation which often confronted honest men, they concluded there was danger in the rule, and the Senate has gone on from 1806 with free and untrammelled debate. The Senator, I am sure, in looking back over the history of his country, will feel that there has been no serious abuse; and that when there has been a filibuster, so charged, in nearly every instance it has been vindicated and the people have approved of the course of those who have resorted to the filibuster.

Mr. NORRIS. I know the theory of unlimited debate is a good one, and this Chamber has been the means, by reason of the fact that there has been unlimited debate, of developing a great many things through the instrumentality of that debate. But I have reached the conclusion that it is going to be necessary for some kind of a limitation to be placed upon debate, even in the Senate.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska—

Mr. ASHURST. I know there will be a certain tone of ungraciousness in what I am about to say, but I think I should say it, nevertheless. It will be remembered that one of the most able presiding officers who was ever in the chair in this body was the former senior Senator from Arkansas, Mr. Clarke. He always contended that if the presiding officer would but enforce the rule we would need no cloture. Let me read the rule to the Senator.

Mr. NORRIS. I am familiar with the rule.

Mr. ASHURST. I doubt if we are familiar with it. Let me read it to the Senator.

Mr. NORRIS. Let the Senator read it to himself. I do not care to hear it, because I know what it is.

Mr. ASHURST. I want every other Senator to know what it is. I want the Presiding Officer to know what it is.

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Senators speak ten times in the same day upon the same question, but presiding officers sit in the chair and never think of saying "The Senator has already spoken twice." What we need is not a cloture rule, but an application of the rules that have been in existence for a long time. I thank the Senator.

Mr. NORRIS. The Senator's own interruption illustrates the difficulty—

Mr. ASHURST. That is what I was trying to illustrate—the difficulty.

Mr. NORRIS. The Senator has illustrated the fact that the written rules can not be enforced. He read a rule which said that to interrupt another Senator he should address the Chair and obtain his permission. When he interrupted the Chair for the purpose of reading the rule, I, having the floor, taking advantage of the privilege which I think I possess, said I did not want to have the rule read, but he read it anyway. That is the way the enforcement of the rules of the Senate has gone on.

Mr. ASHURST. I was only demonstrating how Senators do violate the rules.

Mr. NORRIS. The Senator is again violating the rule. Everyone here knows that the very rule to which the Senator referred has been invoked many times in the Senate. It was sought to be invoked just the other day by the Senator from Wisconsin [Mr. LENROOT]. It has been invoked and enforced many times since I have been in the Senate, but that does not affect unlimited debate.

There must come a time—it ought to come automatically under the rules of a legislative body—when the majority should have its day. There ought to come a time when the majority could rule, and it is no defense to that proposition to say that two or three men have filibustered and prevented the majority from having its way and that afterwards those two or three men were vindicated. That, in my judgment, is no defense. The majority in the end ought to be allowed to rule. If they rule unjustly, if they abuse the confidence placed in them by those who sent them here, it is for the people to remedy it rather than for Senators to resort to a revolutionary proceeding. I am not finding fault with the men who filibuster. I have done it myself. I would not hesitate to do it again, because the rules of the Senate permit it. I am not finding fault with a man if, for the purpose of defeating a measure, he talks all day and all night. The rules of the Senate permit it. We have no right to censure any Member of the body as long as he is obeying the rules. What I am complaining about is that we ought to have a sort of cloture rule which automatically would end the debate. As to the bill that we have here, if we had a rule that would require us, when we reach the consideration of amendments, to discuss the question before the Senate, and if on those amendments every speech was limited to 15 minutes, we would get a more intelligent discussion of the bill than we have been getting thus far.

Mr. President, the Senate devoted three days of its time to a discussion of the paragraph in regard to a tariff duty on log chains. For three days the Senate was in chains, and I think sometimes it is in chains yet. Ten minutes of intelligent discussion would have permitted the reader or the person who searches the RECORD and examines it to find all the arguments pro and con, while now he will have to read volumes, if he ever gets through with it.

So it is not because I think this interminable debate ought to cease that I am opposed to applying the cloture rule. If there were but one question or two or three questions involved, I would not hesitate to vote for it, but the rule itself, especially in its application where we are seeking to apply it, would, in my judgment, do more damage and more hurt than has been done or will be done by a continuation of the policy that has been going on in the past.

I was interested in some provisions in regard to the steel schedule. When the proposition was first made to offer a cloture I intended to vote for it, but I commenced to look into it and then commenced to realize that the rule, unless the amendments were prepared and read before the rule was adopted, would not permit even the offering of them, and also that we had unconsidered in the bill probably the most important schedules of all. It seemed to me I would rather bear those ills we have than fly to others that we know not of.

Personally—it may be that I am affected somewhat by it, but I am not conscious of it if I am—I am opposed to the tariff bill. It could not get my vote unless it was reconstructed from bottom to top. I think it is based on a wrong principle. I think its tendency will be to keep up the present high cost of living, because to quite an extent at least the information on which it is based is the selling price here and abroad rather than the cost of production here and abroad. I am not finding fault with those who framed it on that account. I have said before that I think they were up against an impossible task. I think the mistake is that we should try to pass any general tariff bill at the present time. No man living, either in this body or outside of it, can secure the evidence, either in this country or abroad, upon which to base the levying of a tariff duty if they are following the principle of trying to find the difference in the

cost of production here and abroad. The world is out of joint. We must wait until we get back to earth.

When we base a tariff on prices, or when to any extent we base it on prices, we are treading on the most dangerous possible ground. In the first place, if a man wants a tariff raised on his product all he has to do is to raise his prices and he gets it. But the principle is wrong. We are all crying out against the present high cost of living. If we base the tariff on the difference in the selling prices here and abroad, then the tendency of that tariff is to keep those selling prices intact and hold up the high selling cost of articles in America, and thus preserve the statu quo, the present high cost of living. It seems to me that is indefensible.

So far as I am personally concerned, I would be glad to see the bill defeated. I hope, however, that I am broad minded enough to say that even though I was opposed to it, if the majority of the Senate thought it ought to pass, I ought to bow in submission to that majority. For my part, I do not want to throw any unreasonable straw in their way. I would defeat the bill if I could by any legitimate means, but I do not believe that I would be justified, even if I could, in continuing indefinite debate to bring about its defeat.

Some Senators think that that would be a good thing to do and that indefinite debate may result in that. I have sometimes thought, in view of the slow progress we were making, that unless we adopt some way to push the bill along faster our terms of office would expire, that this Congress would end by limitation before the measure could be passed, and that might occur without any debate taking place that did not apply directly to the bill. Here is a bill containing thousands of committee amendments and several thousand items which are subject to amendment by individual Senators when the committee amendments shall have been disposed of. It would take a long time to dispose of those amendments legitimately. I wish we could have some rule by which upon the various amendments a limitation upon the length of time which Senators could speak might be imposed.

Mr. President, I dislike to see this endless debate proceed, but, as I have previously stated, when I come face to face with the proposition to vote for a rule that will end debate and practically end the right to offer amendments to the pending bill, particularly in view of the fact that the measure is of vast importance, broad in scope, and universal in application, I can not bring myself to the conclusion that I ought to support such a rule.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its session on this calendar day it recess until to-morrow at 11 o'clock a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES of Washington. I have several amendments to the pending bill which I desire, under the rule, to offer and have read; but if we might, without further debate, secure a vote on the amendment pending, I should be perfectly willing to withhold the presentation of those amendments until the vote shall have been taken. The amendments which I desire to offer will have to be read.

Mr. TRAMMELL. I also have an amendment which I desire to have read under the rule in order that it may be pending if the cloture rule shall be adopted to-morrow. The amendment I desire to offer is a short amendment. It will take only a moment or two to present it and have it read.

Mr. UNDERWOOD. Mr. President, I have no objection to taking a vote on the pending amendment; but it is late in the evening and a good many Senators are absent who desire to be present. The amendment is important, and I think that we should have a quorum call if we are going to vote on the amendment this evening.

Mr. JONES of Washington. I should desire a yea-and-nay vote on the amendment.

Mr. UNDERWOOD. I am afraid that if we undertake to consider the amendment at this late hour we may prevent Senators who desire to offer amendments before a vote takes place on the cloture rule from doing so.

Mr. JONES of Washington. Of course, I should not desire to do that. I take it, then, that we shall not have an opportunity to vote on the amendment to-night.

Mr. McCUMBER. I think there are enough Senators present to vote without calling for a quorum if Senators are ready to vote on the amendment.

Mr. UNDERWOOD. It is not a question of a quorum; but I do not think that Senators were expecting to vote on the amendment this evening. I think we should have a quorum call to give them an opportunity to come to the Senate.

Mr. McCUMBER. There is time enough remaining if the Senate votes right away on the amendment and if there is going to be no further discussion.

Mr. UNDERWOOD. I did not intend to discuss the amendment; but if the cloture rule is adopted to-morrow—and I do not think it will be—it will cut off all Senators from offering amendments to the bill, and it seems to me that with only 40 minutes left no Senator will take the responsibility of refusing to allow other Senators who desire to propose amendments to do so.

Mr. JONES of Washington. I do not desire to prevent the presentation of amendments.

Mr. UNDERWOOD. I understood the Senator.

Mr. JONES of Washington. I thought, however, if we could have a vote it would take probably 10 minutes to call the roll, and the amendment would be disposed of. I do not want to prevent that, but I have certain amendments which I wish to present and have read, so that they may come under the rule.

Mr. McCUMBER. I will say to the Senator that we should still have an hour to-morrow in which to present amendments, if it should be so desired, before there would be any vote.

Mr. UNDERWOOD. That is, if some Senator did not take the floor and debate the hour out.

Mr. McCUMBER. I am assuming that if any Senator had an amendment to offer no other Senator would be so discourteous as to prevent his doing so.

Mr. JONES of Washington. I think I had better present my amendments and have them read under the rule. I understand that under the proposed rule the amendments must be read. If, however, by unanimous consent the amendments may be considered as having been read and may be printed in the Record, I have no objection to that being done.

Mr. UNDERWOOD. I have no objection to that, if that be in conformity with the rule.

Mr. McCUMBER. I have no objection, but I really do not think the rule requires it.

Mr. JONES of Washington. My recollection is, though I may be mistaken, that the cloture rule requires amendments to be read.

Mr. McCUMBER. I do not think the rule uses that language.

Mr. JONES of Washington. I ask unanimous consent that the amendments which I send to the Secretary's desk may be considered as read and having been offered, and may be printed in the Record.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments intended to be proposed by Mr. JONES of Washington are as follows:

At the proper place insert the following:

"On all articles the products or manufactures of any noncontiguous foreign country, imported into the continental United States through a contiguous foreign country, or which, being entered at a port of the United States moves in transit through a contiguous foreign country to a United States destination, there shall be levied, collected, and paid, in addition to all other duties as provided in this act, a sum equal to the charge or proportional charge for transportation of such articles within the foreign contiguous country."

On page 32 strike out lines 18 to 24 and insert the following:

"SEC. 204. Lime, in cooperage, 50 cents per 100 pounds, gross weight; lime, in bulk, 30 cents per 100 pounds, gross weight; hydrated lime, 40 cents per 100 pounds, gross weight; limestone, broken or crushed, in bulk, 15 cents per 100 pounds; ground limestone, in bags, 7 1/2 cents per 100 pounds; ground limestone, in bulk, 5 cents per 100 pounds, including in every case the weight of the container."

Insert a new section, as follows:

"SEC. —. That a duty of 6 cents per net ton, not to exceed in the aggregate 80 cents per net ton in any one year, is hereby imposed at each entry by sea on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, the coast of South America bordering on the Caribbean Sea, or Newfoundland; and a duty of 12 cents per net ton, not to exceed in the aggregate \$1.20 per net ton in any one year, is hereby imposed at each entry by sea on all vessels which shall be entered in any port of the United States from any other foreign port or place, not, however, to include vessels in distress or not engaged in trade."

Insert a new section, as follows:

"SEC. —. Hereafter all goods, wares, and merchandise imported in vessels other than vessels of the United States shall be subject to a duty of 5 per cent ad valorem in excess of the duties herein imposed, and all goods, wares, and merchandise, excepting tea and coffee, so imported which are otherwise admitted free under this act shall pay a duty of 2 per cent ad valorem: *Provided*, That the foregoing provisions shall not go into effect as to goods, wares, and merchandise if imported in the vessels of those nations with which we have treaties which said provisions contravene until the expiration of one year from the date when this act becomes a law, at which time said treaties are hereby declared to be duly abrogated unless the same are sooner abrogated by notice given by the President under the terms of such treaties."

Insert a new section, as follows:

"SEC. —. That when used in this section—

"The term 'Secretary' means the Secretary of Commerce;

"The term 'public corporation' means a State, a legal subdivision thereof or a municipality, or a lawfully authorized public agency of a State or a municipality;

"The term 'applicant' means a public corporation applying for the right to establish, operate, and maintain a foreign trade zone;

"The term 'grantee' means a public corporation to which the privilege of establishing, operating, and maintaining a foreign trade zone has been granted.

"The term 'zone' means a 'foreign trade zone' as provided in this section.

"The Secretary is hereby authorized, subject to the conditions and restrictions of this section and of the rules and regulations made thereunder, upon application as hereinafter provided, to grant to public corporations the privilege of establishing, operating, and maintaining foreign trade zones in or adjacent to ports of entry under the jurisdiction of the United States. Not more than one zone shall be authorized in or adjacent to any port of entry, except that when a port of entry is located within the confines of more than one State a zone may be authorized in each State in the territory comprised in such port of entry.

"Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this section, be brought into a zone and there stored, exhibited, broken up, repacked, assembled, distributed, sorted, refined, graded, cleaned, mixed with foreign or domestic merchandise or otherwise manipulated, and be exported, and foreign merchandise may be sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise: *Provided*, That when the privilege shall be requested the collector of customs shall supervise the unloading of foreign merchandise in the zone, cause such merchandise or any portion thereof to be appraised, and the duties liquidated thereon. Thereafter it may be stored or manipulated under the supervision and regulations prescribed by the Secretary of the Treasury, and within two years after such unloading such merchandise, whether mixed with domestic merchandise or not, may be sent into customs territory upon the payment of such liquidated duties thereon.

"The Secretary of the Treasury shall assign to the zone the necessary customs officers and guards to protect the revenue and to provide for the admission of foreign merchandise into customs territory.

"Vessels entering or leaving a zone shall be subject to the operation of all of the laws of the United States, except as otherwise provided in this section, and vessels leaving a zone and arriving in customs territory of the United States shall be subject to such regulations to protect the revenue as may be prescribed by the Secretary of the Treasury.

"Each application shall state in detail—

"(1) The location and qualifications of the area in which it is proposed to establish a zone, showing (a) the land and water or land or water area or land area alone if the application is for its establishment in or adjacent to an interior port; (b) the means of segregation from customs territory; (c) the fitness of the area for a zone; and (d) the possibilities of expansion of the zone area;

"(2) The facilities and appurtenances which it is proposed to provide and the preliminary plans and an estimate of the cost thereof, and the existing facilities and appurtenances which it is proposed to utilize;

"(3) The time within which the applicant proposes to commence and complete the construction of the zone and facilities and appurtenances;

"(4) The methods proposed to finance the undertaking;

"(5) Such other information as the Secretary may require.

"The Secretary may, upon his own initiative or upon request, permit the amendment of the application. Any expansion of the area of an established zone shall be made and approved in the same manner as an original application.

"If the Secretary finds that the proposed plans and location are suitable for the accomplishment of the purpose of a foreign trade zone under this section, and that the facilities and appurtenances which it is proposed to provide are sufficient, he shall make the grant. If the Secretary refuses the grant, the applicant may appeal to a board consisting of the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of War, whose decision shall be rendered within three months from the filing of such appeal and be final as to the grant of the application.

"The Secretary shall prescribe such rules and regulations not inconsistent with the provisions of this section or the rules and regulations of the Secretary of the Treasury made hereunder and as may be necessary to carry out this section.

"The Secretary shall cooperate with the State, subdivision, and municipality in which the zone is located in the exercise of their police, sanitary, and other powers in and in connection with the free zone. He shall also cooperate with the United States Customs Service, the Post Office Department, the Public Health Service, the Bureau of Immigration, and such other Federal agencies as have jurisdiction in ports of entry described in the seventh paragraph of this section.

"For the purpose of facilitating the investigations of the Secretary and his work in the granting of the privilege, in the establishment, operation, and maintenance of a zone, the President may direct the executive departments and other establishments of the Government to cooperate with the Secretary, and for such purpose each of the several departments and establishments is authorized, upon direction of the President, to furnish to the Secretary such records, papers, and information in their possession as may be required by him, and temporarily to detail to the service of the Secretary such officers, experts, or engineers as may be necessary.

"If the title to or right of user of any of the property to be included in a zone is in the United States, an agreement to use such property for zone purposes may be entered into between the grantee and the department or officer of the United States having control of the same, under such conditions approved by the Secretary and such department or officer, as may be agreed upon.

"Each grantee shall provide and maintain in connection with the zone—

"(a) Adequate slips, docks, wharves, warehouses, loading and unloading, and mooring facilities where the zone is adjacent to water; or, in the case of an inland zone, adequate loading, unloading, and warehouse facilities;

"(b) Adequate transportation connections with the surrounding territory and with all parts of the United States, so arranged as to permit of proper guarding and inspection for the protection of the revenue;

"(c) Adequate facilities for coal or other fuel and for light and power;

"(d) Adequate water and sewer mains;

"(e) Adequate quarters and facilities for the officers and employees of the United States, State, and municipality whose duties may require their presence within the zone;

"(f) Adequate inclosures to segregate the zone from customs territory for protection of the revenue, together with suitable provisions for ingress and egress of persons, conveyances, vessels, and merchandise.

"(g) Such other facilities as may be required by the Secretary of Commerce, the Secretary of War, and the Secretary of the Treasury, acting jointly.

"The grantee may, with the approval of the Secretary of Commerce and the Secretary of the Treasury, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by them, permit private persons, firms, corporations, or associations to erect such buildings and other structures within the zone as will meet their particular requirements: *Provided*, That such permission shall not constitute a vested right as against the United States, nor interfere with the regulation of the grantee or the permittee by the United States, nor interfere with or complicate the revocation of the grant by the United States: *And provided further*, That in the event of the United States or the grantee desiring to acquire the property of the permittee no good will shall be considered as accruing from the privilege granted to the zone: *And provided further*, That such permits shall not be granted on terms that conflict with the public use of the zone as set forth in this section.

"Each zone shall be operated as a public utility, and all rates and charges for all services or privileges within the zone shall be fair and reasonable, and the grantee shall afford to all who may apply for the use of the zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments.

"No person shall be allowed to reside within the zone except Federal, State, or municipal officers or agents whose resident presence is deemed necessary by the Secretary.

"The Secretary shall prescribe rules and regulations regarding employees and other persons entering and leaving the zone. All rules and regulations concerning the protection of the revenue shall be approved by the Secretary of the Treasury.

"The Secretary may at any time order the exclusion from the zone of any goods or process of treatment that in his judgment is detrimental to the public interest, health, or safety.

"No retail trade shall be conducted within the zone except under permits issued by the grantee and approved by the Secretary. Such permittees shall sell no goods except such as are brought into the zone from customs territory.

"The form and manner of keeping the accounts of each zone shall be prescribed by the Secretary.

"Each grantee shall make to the Secretary annually, and at such other times as he may prescribe, reports containing a full statement of all the operations, receipts, and expenditures, and such other information as the Secretary may require.

"The Secretary shall make a report to Congress on the first day of each regular session containing a summary of the operation and fiscal condition of each zone and transmit therewith copies of the annual report of each grantee.

"The grant shall not be sold, conveyed, transferred, set over, or assigned.

"In the event of repeated violations of any of the provisions of this section by the grantee, the Secretary of Commerce, the Secretary of War, and the Secretary of the Treasury, or a majority of them, may revoke the grant after four months' notice to the grantee and affording it an opportunity to be heard. The testimony taken before the Secretaries shall be reduced to writing and filed in the records of the Department of Commerce, together with the decision reached thereon.

"In the conduct of any proceeding under this section for the revocation of a grant, the Secretaries may compel the attendance of witnesses and the giving of testimony and the production of documentary evidence, and for such purpose may invoke the aid of the district courts of the United States.

"An order under the provisions of this section revoking the grant issued by the Secretaries shall be final and conclusive, unless within 90 days after its service the grantee appeals to the circuit court of appeals for the circuit in which the zone is located by filing with the clerk of said court a written petition praying that the order of the Secretaries be set aside. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretaries, and they shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in the proceedings held before them under this section, the charges, the evidence, and the order revoking the grant. The testimony and evidence taken or submitted before the Secretaries, duly certified and filed as a part of the record, shall be considered by the court as the evidence in the case.

"On such appeal the court shall review the record of proceedings before the Secretaries; and if a decision of said Secretaries shall be supported by evidence, shall only make decision on errors of law.

"That in case of a violation of this section, or any regulation of the Secretary under this section, by the grantee, any officer, agent, or employee thereof responsible for or permitting any such violation shall be subject to a fine of not more than \$1,000. Each day during which a violation continues shall constitute a separate offense.

"That if any provision of this section or the application of such provision to certain circumstances be held invalid, the remainder of the section and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby.

"That the right to alter, amend, or repeal this section is hereby reserved."

In line 13, page 29, after the word "nitrite," strike out "3" and insert "5."

PART —ESTABLISHMENT OF FOREIGN TRADE ZONES.

Insert a new section as follows:

"SEC. —. The Secretary of the Treasury, upon the recommendation of the Secretary of Commerce, may grant to public corporations the privilege of establishing, operating, and maintaining foreign trade zones in or adjacent to ports of entry in the jurisdiction of the United States.

"Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this act, be brought into a zone and there stored, manufactured, exhibited, broken up, repacked, assembled, distributed, sorted, refined, graded, cleaned, mixed with foreign or domestic merchandise or otherwise manipulated,

and be exported, and foreign merchandise may be sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise.

"The Secretary of the Treasury, with the cooperation of the Secretary of Commerce, shall prescribe such regulations as may be necessary for the purpose of selecting locations for foreign trade zones, maintaining adequate facilities for the transaction of business therein, protecting the revenue, and regulating the entry and clearance of vessels into and from foreign trade zones, and shall prescribe the conditions for the granting of a concession for the establishment of a foreign trade zone, as well as the conditions for revoking such a grant, and also any other regulations which may be necessary for carrying into effect the provisions of this section."

Mr. McCUMBER. I wish to correct what I stated a moment ago. On examination, I see that the rule does require that proposed amendments shall be read.

Mr. TRAMMELL. I present an amendment and I ask to have it read and considered as pending if the cloture rule shall be adopted to-morrow morning.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Florida will be read.

The READING CLERK. On page 230, beginning in line 4, it is proposed to strike out all of paragraph 1635 and insert in lieu thereof:

PAR. 1635. Potassium chloride or muriate of potash, potassium sulphate, kainite, wood ashes, and beet-root ashes, and all crude potash salts not specially provided for and the actual potash (potassium oxide) content of all the foregoing shall be admitted free of duty.

The PRESIDING OFFICER. The pending amendment will be stated.

The READING CLERK. On page 102, line 19, the Senator from Washington moves to amend by inserting after the word "pound" the following proviso:

Provided, That from and after 90 days after the enactment of this act no fresh or frozen halibut, salmon, or swordfish from the North Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country, except when the same shall be in bond from an American port.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Sheppard
Ball	Hefflin	Moses	Sutherland
Broussard	Jones, Wash.	Nelson	Trammell
Bursum	Keyes	New	Underwood
Capper	King	Norbeck	Wadsworth
Caraway	Ladd	Norris	Walsh, Mass.
Curtis	La Follette	Oddie	Warren
Dial	Lenroot	Overman	Watson, Ind.
Frelinghuysen	McCumber	Pepper	Willis

The PRESIDING OFFICER. Thirty-six Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Fernald	Kendrick	Rawson	Spencer
Hale	McKinley	Shortridge	
Harris	Pittman	Smoot	
Kellogg	Poindexter	Sterling	

The following Senators entered the Chamber and answered to their names:

Cameron	Edge	Nicholson	Simmons
Dillingham	Lodge		

Mr. HARRIS. I wish to announce that my colleague [Mr. Watson of Georgia] is absent on account of illness.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The question is on the amendment offered by the Senator from Washington [Mr. Jones].

Mr. JONES of Washington. I ask for the yeas and nays.

Mr. POINDEXTER. Mr. President, before the vote is taken I want to say a word in favor of the amendment offered by my colleague.

The fisheries of Alaska, only partly developed, constitute one of the most valuable natural sources of wealth in the possessions of the United States. They can be made the means of the development of a great American industry, American in the true sense of the word, not only giving employment to Americans in the various branches of the work of catching and preparing and shipping this great food product for the market of the United States, which is the greatest population consuming valuable food fish in the world, but they can be made the means of developing what we need probably more than any other element in our national life, and that is a seafaring popu-

lation, affording to the merchant marine a supply of sailors, and a resource for the manning of our Navy in time of war.

The purpose of the amendment of my colleague is to preserve this industry for Americans, to develop it as an American resource instead of a Canadian one. So far as I am concerned, when that is the issue I do not feel disposed to be punctilious about the exact form of the language, or, where there is a doubtful question as to whether some benefit is to come to the United States or to a foreign country, to hesitate about resolving that doubt. I feel disposed, upon issues of that kind, to give the benefit of the doubt to my own country. When we see the example of the means which have been taken—and properly taken, as has been said by my colleague—by the Government of Canada to prefer their own merchant marine, to promote the registry of vessels under the British flag, I see no reason why we should hesitate to take any proper, legitimate, honorable means for preferring our merchant marine, for encouraging the keeping of vessels in American registry instead of encouraging their transfer to British registry.

There are, as it seems to me from an examination of the showing which has been made upon this question, two ways in which that can be accomplished. One of them is along the lines proposed in the amendment offered by the senior Senator from Washington [Mr. Jones], which will have the effect of requiring fish caught in the North Pacific waters which are to be marketed in the United States—that is where our jurisdiction and our right comes in, the control of our own markets—in the imposition of restrictions upon imports to that market and upon the manner in which the products, even of American industry itself, shall be placed upon that market—to require that fish caught in North Pacific waters for the American market shall be shipped from an American port. The consequence of adopting this amendment will be to develop the fishery industry of the North Pacific at the town of Ketchikan—that seems to be the most convenient town—which has already a considerable industry attached to the catching and the marketing of halibut and other North Pacific fishes; or, if it is defeated, to leave the industry to a foreign port, Prince Rupert, the terminus of the Grand Trunk Pacific Railroad in British Columbia.

Prince Rupert is some 600 miles north of Seattle. Ketchikan, Alaska, is approximately 100 miles north of Prince Rupert. The fisheries from which this great supply of fish come are several hundred miles still farther north of Ketchikan.

Mr. President, when these fish are caught by American fishermen, wherever they may be caught—most of them are caught outside of the 3-mile limit, and consequently do not, strictly speaking, come from American waters, because outside of the 3-mile limit the fisheries are open to all nationalities of the world—it is regarded as an American fishery, notwithstanding the fact that the fish are packed for shipment in a foreign port and transported to market over a foreign railroad, giving to the foreign country the labor which is engaged in that business and to the railroads the proceeds of that transportation, and come into our market free of the tariff which is imposed upon fish imported from a foreign country; and by reason of the advantages which Prince Rupert has as the terminus of this railroad, of course it would get the entire fishery industry. It would be developed there instead of at an American port.

I agree entirely with the principles which have been laid down by the chairman of the Committee on Finance in discussing this amendment in so far as the premises which he stated are concerned, differing with him entirely, however, in the conclusion which he reached. I think he is right in saying that these fishermen ought to be allowed to go to the most convenient market, whether it is a domestic market or a foreign market; but if they go to a foreign port, give their business to a foreign country, employ foreign labor and foreign capital, and transport their goods over a foreign railroad, if that is to be allowed, as it is allowed unless some such amendment as that proposed by my colleague is to be adopted, then they should take the burden that is imposed upon the products of a foreign country, and American labor and American railroads should receive the benefit of a tariff which is imposed to give the preference to our own industry.

Mr. KING. Mr. President, will the Senator yield? I desire to ask a question for information.

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. KING. As I understand this amendment—and I confess that I do not understand it, but as it was read and as I interpret it—it means that an American fishing in Pacific waters and contiguous to the Canadian shore, or remote from it, it is wholly immaterial—if he takes his fish to a Canadian port and there cures the fish may not bring them into the United

States. Though he is willing to pay all the tariff that we impose, he is absolutely prohibited from bringing them here.

There would be very much in the Senator's argument, if my premise is correct, if we should penalize him for going into the Canadian port with his fish by imposing a heavy duty; but to prohibit him absolutely from bringing into the United States his product after it is cured or iced seems to me—

Mr. POINDEXTER. We do not prohibit him from bringing it into the United States. We allow him to bring it into the United States according to the amendment offered by the Senator from Washington, but we require him to ship the fish from an American port as a condition or restriction upon getting the benefit of the American market. He can bring them into the American market; and for the purpose of developing a great fishing industry in this country, and in the interest of the merchant marine and of a source of supply of the Navy in time of great emergency, I see nothing unreasonable in imposing such a condition as that upon this industry. It is not a hard condition. Why should not these men go to Ketchikan instead of to Prince Rupert?

Mr. WALSH of Montana. Mr. President—

Mr. KING. If the Senator will pardon me, then, as I understand the Senator, he does admit that if the fisherman goes to the Canadian port first he may not then bring his product into the United States?

Mr. POINDEXTER. That is true.

Mr. KING. No matter if he is willing to pay the tariff that we impose upon other fishermen or other countries, he can not bring that catch into the United States?

Mr. POINDEXTER. But we do not impose a tariff.

Mr. KING. Well, suppose we did.

Mr. POINDEXTER. If we did, it would be an entirely different question. If we did, then the result that is sought by the amendment of my colleague would be reached in another way; and if that amendment is defeated I expect to offer an amendment, at least for the purpose of making a record, and have the Senate vote upon it, to impose the duty provided in this bill upon fish imported from a foreign country, upon fish, wherever they may be caught, that are packed and prepared for shipment in a foreign country, by foreign labor, and shipped over foreign railroads.

The suggestion of the Senator from Utah, however, does not apply at all as the bill is now framed, or as the existing law is, that they are subject to the penalty of paying a tariff upon the shipment of fish to the United States. They are regarded as a domestic product. The Treasury decisions are to the effect that even where fish caught by American fishermen operating vessels of American registry are prepared for shipment upon some foreign territory—as, for instance, upon the coast of Labrador—and are shipped from that point into the United States, they pay no tariff, because they are regarded and decided under the Treasury rulings to be the product of American fisheries.

Mr. WALSH of Montana. That was what I desired to inquire of the Senator. Under the existing law the Alaska fisherman may bring his fish into the port of Prince Rupert and dress them there, ice them there, or dry them, and ship them over the Canadian railroads in bond into the eastern markets without the payment of any duty.

Mr. POINDEXTER. Not Canadian fishermen but American fishermen.

Mr. WALSH of Montana. Yes; American fishermen, either from the States or from Alaska.

Mr. POINDEXTER. Without the payment of any duty. Of course, no duty is paid on that fish now; but that would also be the condition even under this bill, should it be enacted in its present form.

Mr. McCUMBER. I want the Senator to make no mistake as to what the amendment is. The amendment reads:

Provided, That from and after 90 days after the enactment of this act no fresh or frozen halibut, salmon, or swordfish from the North Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country, except when the same shall be in bond from an American port.

That is clear and specific.

Mr. POINDEXTER. That is what I stated.

Mr. McCUMBER. If a Canadian fishing fleet goes out from Prince Rupert and catches fish and brings them back into Prince Rupert, it is an embargo against them. They could not bring them in under this amendment. They could not even bring them into the United States by paying a duty.

Mr. POINDEXTER. All that they would be required to do in order to bring them in would be to take them into Ketchikan.

Mr. McCUMBER. In other words, take them there, and then take them to Ketchikan.

Mr. POINDEXTER. That is a hundred miles nearer the fisheries than Prince Rupert.

Mr. McCUMBER. But they can not send them over the Canadian Pacific—

Mr. POINDEXTER. I am not so concerned about the Canadian Pacific.

Mr. McCUMBER. They can not send them to Minneapolis and St. Paul, across the line—

Mr. POINDEXTER. Yes.

Mr. McCUMBER. Just a moment. I will tell what the fisherman has to do. He has to send them to an American port—

Mr. POINDEXTER. It is the purpose of this amendment to require him to do that. It is our market. It is our country. We can lay down such conditions as we choose on those seeking to enjoy its benefits.

Mr. McCUMBER. I had not finished my sentence. He has to send them to an American port. What port? Ketchikan. After he gets them to Ketchikan, what is he going to do with them? He has to bring them back to Prince Rupert, ship them back again, or else he has to go to Seattle and if two or three days out from Seattle his fish are ruined by reason of the long trip, he has to send them second or third class. That is really what it means.

Mr. POINDEXTER. No; that is not what it means at all.

Mr. McCUMBER. The Senator can not make it mean anything else.

Mr. POINDEXTER. I will show you why you can not make it mean that. The trouble with the Senator from North Dakota—and it is not to be wondered at, with the vast multitude of paragraphs and items in this bill—is that he has not a very clear idea of the geography of these ports and the fisheries which are seeking this benefit. The Senator talks about taking fish from Prince Rupert to Ketchikan and then bringing them back to Prince Rupert. The fish are caught two or three hundred miles north of Ketchikan, and they reach Ketchikan from the fisheries a hundred miles before they get to Prince Rupert. There is no question about taking them to Prince Rupert and bringing them back again to Ketchikan and then taking them from Ketchikan to Prince Rupert.

Mr. McCUMBER. I am assuming that a fleet go out from Prince Rupert and catch some of these fish; they may catch them nearer Prince Rupert or they may catch them farther away, but the testimony of those who are engaged in fishing is that, even if they had to go to Ketchikan, they would still have to go back to Prince Rupert and send them through that way to get them to the Canadian and American markets.

Mr. POINDEXTER. They do not have to go back to Prince Rupert, because they do not come from Prince Rupert. Under those conditions Prince Rupert would be merely a way station on the way from the fisheries to the market.

To show how entirely practicable it is for them to carry on their fishery industry at Ketchikan instead of at Prince Rupert, let us take the figures for 1921 of the halibut shipments from Alaskan waters, as they are called; they are called North Pacific waters, more properly, in the amendment of my colleague.

In that year there were received at Ketchikan 5,923,000 pounds of halibut. So evidently it is feasible and practicable to deliver halibut at Ketchikan, prepare them there for market, and ship them from there to the market. But there are greater advantages under the present system in taking them to Prince Rupert, under the orders in council of the Dominion of Canada, intended for the purpose of bringing that industry there, of employing Canadians, and of giving business to Canadian railroads. So at Prince Rupert in that year there were received 20,342,000 pounds. At Vancouver, British Columbia, there were received 3,934,000 pounds, and at Seattle there were received 11,650,000 pounds. So in 1921 there were 16,000,000 pounds of halibut taken from the fisheries to American ports—5,900,000 of them to Ketchikan, 11,000,000 to Seattle. Under those conditions why is it impossible or impracticable to encourage the taking of these fish to American ports and to develop the industry there instead of allowing it all to go, as the tendency now is, as is also shown by the figures I have cited, to Prince Rupert?

What is the objection made? There is an objection made by some of our own people, who, I suppose, will read what I am saying here. The owners of those boats apparently care very little about which port they go to. They go to the most convenient port. They go to the port where they can make the most money under present conditions, and when they are asked to join in building up this great industry, which is carried on by American citizens and which ought to be developed in all of its various branches by American labor by bringing the fish to an American port, their objection is that there are not

sufficient transportation lines between Ketchikan and Prince Rupert and between Ketchikan and Seattle; that there are not sufficient cold-storage houses and icing plants at Ketchikan.

When it is pointed out to them that there is no occasion to operate shipping lines between Ketchikan and Prince Rupert, and between Ketchikan and Seattle, to accommodate this business under present conditions, when three-fourths of the business is going to Prince Rupert; that if the business is required to go to Ketchikan as a condition of getting the benefit of the American market, transportation lines will be established to accommodate it, as a matter of course; that icing plants will be put up; that cold-storage houses will be established—they have nothing to say, except a mere statement that that will not be done or that it will take a year to do it, and they ask what will become of the business during that year.

That is a very feeble answer.

A year is not a very long time, even if their supposition is true that it would take that long to develop those facilities at Ketchikan, or greater facilities for marketing these fish at Seattle. That is not a very great obstacle to overcome, when we have in view the great object of making this an American industry, developing it in American ports and employing in it American labor.

Another objection they make is that if they undertake to establish ship lines between Ketchikan and Prince Rupert, they will have to cross Dixon Entrance, and that the water there is very rough; that the winds blow into that broad entrance from the Pacific Ocean. They say that it will require large steamships, and that the business will not justify the investment and the expense of operating those large steamships, which they say, in the brief which they have submitted to the committee, would be necessary to cross these rough waters, particularly in the wintertime, to carry the fish, after they have been iced and after they have been packed at Ketchikan, to the terminus of the Grand Trunk Railroad at Prince Rupert.

To show how easy it is to puncture an argument if one happens to know the conditions to which it applies, it is only necessary to point out that these very men, the owners of these shipping vessels, are doing now throughout the fishing season the very thing which they say it would be impossible to do. They have small fishing vessels. They are not using great ocean steamships, which they say would be necessary to make the trip from Ketchikan to Prince Rupert. They are engaged in the fisheries in the inland waters of Alaska, hundreds of miles north of Ketchikan. Ketchikan is 97 miles north of Prince Rupert, to be exact, situated on Revillagigedo Island. They come from the fishing banks with their schooners loaded with halibut at all seasons of the year, particularly in the wintertime, which is the best fishing season; go by Ketchikan, within sight of the docks and wharves, and from there to Prince Rupert to have their fish packed and shipped over the Grand Trunk Railroad. Yet they say it can not be done because of rough water.

Mr. President, this is simply another instance of the reluctance of people who are enjoying a present condition to have that condition changed unless they themselves see some immediate benefit in it for themselves. They are not taking the public viewpoint; and I am not criticizing them. They may not be expected to take the public viewpoint. Congress is expected to do that. They will be doing very well, perhaps, if they look after their own individual interests. They are not thinking of the broader policy of building up American seafaring occupations, of affording a supply of sailors for a merchant marine which we are talking so much about developing, of getting young men to learn the ways of the sea, as they will learn them if they engage in these great fisheries, and so be prepared to come to the aid of the country in time of war to man our war vessels. They are not thinking about those things. It makes very little difference to them, apparently, whether you build up Ketchikan or build up Prince Rupert. Yet the object of this amendment is to build up Ketchikan, and it seems to me to be a very substantial and a very justifiable purpose, such as we ought to have in framing this bill.

Now I want to call attention to one decision, the United States against Redding and others, by the Court of Customs Appeals. They were dealing with the question of what an American fishery is. The trouble about the condition of affairs to which my colleague's amendment relates is that this industry, which at least is partly foreign in the course of its conduct and its development, is regarded as altogether domestic by the Treasury Department.

Mr. McCUMBER. Mr. President, I wish to ask the Senator a question, because it seems to me the Senator and I are approaching this matter from an angle which can not be brought together at any point. The Senator is not dealing in this amend-

ment simply with American fishermen. It provides that any fish caught in the north Pacific Ocean, whether they are caught by a Canadian or anyone else, shall not be shipped into America unless brought to an American port. If a Canadian fisherman sends out his own vessel and brings the fish into his own port, under this provision he can not bring them into the United States at all, not even by paying the duty.

Mr. POINDEXTER. No.

Mr. McCUMBER. Let us suppose a Canadian fishing fleet. We have control over our own. We can say to our own, if we think it is the proper thing to do, "You must bring your fish to an American port first, and not to a Canadian port."

Here is the foreigner, a Canadian, who sends out his fleet from Prince Rupert. They catch fish and bring them into Prince Rupert. Then they load them on their trains in their refrigerator cars, distribute them along the route, and their cars go all the way to Minneapolis and St. Paul. But you say to them, "You can not bring a pound of that fish, no matter what duty you are willing to pay, into the United States." That is a foreign country. Do you think that is fair treatment of a foreign country to say that "because you see fit to catch your fish and bring them into your own country, you can not export them to the United States at all"?

Mr. POINDEXTER. We are not interfering in any way with their fish. We are simply protecting our market. All we say to them is, "You can not enjoy the American market under those conditions." We have a perfect right to do that. But suppose we adopt the suggestion of the Senator from North Dakota and make the amendment apply only to domestic fishermen, to American fishermen.

Mr. McCUMBER. I think the fishermen ought to have the right to sell where they can get the best market for their fish.

Mr. POINDEXTER. I understand the Senator's complaint is that this will apply to the Canadian fishermen as well as to the American fishermen.

Mr. McCUMBER. That was not the point. It was not a complaint. The point was that we not only attempt to control the American fishermen, which we have a right to do—while I do not agree with the system of controlling them—but we go over there and say we are going to control the Canadians.

Mr. LODGE. The Canadian refuses to allow us to send a pound of fresh fish at Prince Rupert to the people there.

Mr. McCUMBER. But we do sell them there.

Mr. JONES of Washington. Not for local consumption.

Mr. McCUMBER. That may be.

Mr. LODGE. They put an absolute embargo on our fish.

Mr. POINDEXTER. They do the very thing, so far as our own country is concerned, that in principle is proposed to be done by this legislation with the United States. They deny the Canadian market to the American fishermen coming into Port Rupert with their fish. We only propose to deny the American market to any Canadian fishermen, and likewise to American fishermen, bringing their fish from the northern Pacific waters into a foreign port. In principle there is no greater discrimination in the proposed American regulations than there is in the Canadian law.

Section 1624 of the bill provides that all fish and other products of such fisheries shall be on the free list. "All fish and other products of such fisheries," and the question is—and it seems to me that sooner or later it must be determined if we are to pursue the object of retaining this as an American industry—whether or not business carried on in a foreign country, transported to market through the foreign country, shall be regarded as a product of an American fishery.

I doubt very much, if it were properly presented as a legal proposition, even under the language of the bill, to the Court of Customs Appeals, whether they would hold, even in view of the precedents which have been established—and which have gone quite far, but do not exactly fit this case—that the conditions which I have already described under which the fish from north Pacific waters are carried to market, constitute an American fishery, and that the fish when brought to market are the product of an American fishery.

But if the amendment proposed by my colleague is voted down, I expect to offer an amendment which would clear up any doubt upon the question which I have just stated and make it perfectly clear in the law that an industry carried on in this way in a foreign country, fish caught in the open ocean, taken into a foreign port, prepared there for shipment by foreign labor, transported over a foreign railroad, shall not be regarded, when they come into market and compete with American industry and American labor, as a domestic production. That will very likely, to a very large extent, if not altogether, accomplish the purpose which my colleague has in mind in offering his amendment.

Mr. LENROOT. May I ask the Senator why that is not done instead of urging this very unusual embargo, when the Senator himself now says that to impose the ordinary tariff rate will accomplish all that he desires to accomplish?

Mr. POINDEXTER. It will not accomplish all that I desire.

Mr. LENROOT. All that any American ought to ask, it seems to me.

Mr. POINDEXTER. Some Americans ask more than others for their country. I ask a good deal when the question is whether we shall favor our own people or foreigners in the rivalry of trade.

The decision of the Treasury Department to which I have referred, in concluding, uses this language:

The American fishing vessel took no part in the fishing operations in question here except to convey from the United States to Newfoundland certain fishing supplies. A portion of the fishing tackle so conveyed was used under the supervision and by employees of an American citizen temporarily at Bonne Bay, Newfoundland; but the fishermen engaged there for service apparently used their own boats and presumably obtained there their supplies. The fish so caught were cured on British soil and shipped to the United States in a British vessel, *Held*, the importation was not entitled to free entry as the product of American fisheries under paragraph 567.

Paragraph 567 corresponds to the paragraph that I have just read. There is a case parallel to the one we are discussing, where the fish are packed or frozen in a foreign port. Both processes are used. Fish for what is called the fresh-fish market, in eastern cities, must be marketed under regulations of the cities or the States, and I think also under regulations of the Federal Government, within a certain number of days after they are caught. If they can not be delivered within that number of days and be classed as fresh fish for the city market, they are frozen and kept in cold-storage houses in a frozen condition and are shipped when the market justifies it. Fresh fish, so called, are packed in ice in boxes and shipped into the eastern markets. The freezing, the warehousing, the furnishing of the boxes, the packing in the boxes, the supplying of the ice, all of the labor connected with those things and the bringing of the fish to market thousands of miles across the country, are done by foreigners upon foreign soil, and there is no reason why the result of this labor should be regarded as the product of a domestic industry.

I hope the amendment of my colleague will be adopted. If it should not be adopted, I shall offer the amendment to which I have referred.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the committee.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. BALL (when his name was called). I have a general pair with the Senator from Florida [Mr. FLETCHER]. I transfer that pair to my colleague [Mr. DU PONT] and vote "nay."

Mr. EDGE (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oklahoma [Mr. HARRELD] and vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I withhold my vote.

Mr. WATSON of Indiana (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. JONES of Washington (after having voted in the affirmative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. JONES of Washington. That Senator is necessarily absent and I promised to pair with him for the day. I find, however, that I can transfer that pair to the junior Senator from Michigan [Mr. NEWBERRY], which I do, and allow my vote to stand.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 19, nays 32, as follows:

YEAS—19.

Ashurst	Jones, Wash.	Nicholson	Rawson
Bursum	Lodge	Norbeck	Sterling
Cameron	McKinley	Oddie	Warren
Edge	McNary	Phipps	Willis
Gooding	New	Poinexter	

NAYS—32.

Ball	Harris	Lenroot	Smoot
Borah	Heflin	McCumber	Spencer
Broussard	Kellogg	Moses	Sutherland
Calder	Kendrick	Nelson	Trammell
Capper	Keyes	Norris	Underwood
Caraway	King	Overman	Wadsworth
Curtis	Ladd	Pepper	Walsh, Mass.
Dial	La Follette	Sheppard	Watson, Ind.

NOT VOTING—45.

Brandegge	Frelinghuysen	Myers	Smith
Colt	Gerry	Newberry	Stanfield
Crow	Glass	Owen	Stanley
Culberson	Hale	Page	Swanson
Cummins	Harreld	Pittman	Townsend
Dillingham	Harrison	Pomerene	Walsh, Mont.
du Pont	Hitchcock	Ransdell	Watson, Ga.
Elkins	Johnson	Reed	Weller
Ernst	Jones, N. Mex.	Robinson	Williams
Fernald	McCormick	Shields	
Fletcher	McKellar	Shortridge	
France	McLean	Simmons	

So the amendment of Mr. JONES of Washington to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question is on the committee amendment as amended.

Mr. POINDEXTER. I offer the amendment to the amendment of the committee which I send to the desk and ask that it may lie over until to-morrow. I ask, however, that the Secretary may read it.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The READING CLERK. Amend the committee amendment in line 19, page 102, by inserting after the word "pound" the following proviso:

Provided, That fish prepared or packed in a foreign country for shipment and shipped from a foreign country into the United States in a ship of foreign registry or over a railroad running through a foreign country shall be subject to the duties prescribed by this paragraph.

Mr. POINDEXTER. I ask for a vote upon the amendment which I have submitted to the amendment of the committee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington to the amendment reported by the committee.

Mr. McCUMBER. Mr. President, I hardly think that we ought to vote on an amendment which we have scarcely had time even to read and to draw a conclusion as to what its meaning is. I hope the Senator will give us time at least to read it.

Mr. POINDEXTER. In the hope that the chairman of the committee will look with favor on the amendment and accept it, I accede to his request that it may lie over.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE MOSES P. KINKAID.

Mr. NORRIS. Mr. President, it becomes my sad duty to announce to the Senate the death of Hon. MOSES P. KINKAID, for 20 years a Member of the House of Representatives from the State of Nebraska, who died in this city this morning.

I ask unanimous consent for the present consideration of the resolutions which I send to the desk.

The resolutions (S. Res. 318) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. MOSES P. KINKAID, late a Representative from the State of Nebraska.

Resolved, That a committee of six Senators be appointed by the Presiding Officer to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER, under the second resolution, appointed Mr. NORRIS, Mr. HITCHCOCK, Mr. JONES of Washington, Mr. ASHURST, Mr. JOHNSON, and Mr. NORBECK as the committee on the part of the Senate to attend the funeral of the deceased Representative.

Mr. NORRIS. Mr. President, as a further mark of respect to the memory of the deceased Representative I move that the Senate take a recess.

The motion was unanimously agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Friday, July 7, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 6 (legislative day of April 20), 1922.

UNITED STATES PUBLIC HEALTH SERVICE.

The following-named assistant surgeons to be passed assistant surgeons in the United States Public Health Service, to rank from the dates set opposite their names:

Ralph E. Porter from July 15, 1922.

Joseph W. Mountin from July 17, 1922.

These officers have served the required time in their present grade and have passed the necessary examination for promotion.

ASSISTANT DIRECTORS, BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Louis Domeratzky, of Virginia, to be assistant director, at \$4,000 per annum, in the Bureau of Foreign and Domestic Commerce, vice Leland Rex Robinson, transferred.

Thomas R. Taylor, of New Jersey, to be assistant director, at \$3,500 per annum, in the Bureau of Foreign and Domestic Commerce, vice Louis Domeratzky, promoted.

PROMOTIONS IN THE REGULAR ARMY.

VETERINARY CORPS.

To be captain.

First Lieut. Sherman Robert Ingram, Veterinary Corps, from March 1, 1922.

CHAPLAINS.

To be chaplain with the rank of major.

Chaplain Stephen Richard Wood, from June 29, 1922.

To be chaplain with the rank of captain.

Chaplain Henry Jouette Geiger, from April 6, 1922.

APPOINTMENTS IN THE REGULAR ARMY.

INFANTRY ARM.

To be second lieutenants with rank from June 26, 1922.

Pvt. First Class Orestes Cleveland, Headquarters, One hundred and third Division, United States Army.

Pvt. Elbert Kelly, United States Army, unassigned.

FIELD ARTILLERY ARM.

To be second lieutenants with rank from June 26, 1922.

Pvt. James Harrison Dickie, United States Army, unassigned.

Pvt. Raymond Quinn Hennicke, United States Army, unassigned.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Joseph Frank Janda, Infantry, with rank from July 1, 1920.

Lieut. Col. Louis Stewart Chappelle, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. Richard Kerr Cravens, Finance Department, with rank from July 1, 1920.

Lieut. Col. Robert Whitfield, Infantry, with rank from July 1, 1920.

Maj. Andrew Jackson White, Infantry, with rank from July 1, 1920.

Maj. Eugene Ross Householder, Infantry, with rank from July 1, 1920.

Maj. Edward Roth, jr., Coast Artillery Corps, with rank from July 1, 1920.

Capt. William Anthony Woodlief, Infantry, with rank from July 1, 1920.

AIR SERVICE.

Maj. Paul Theodore Bock, Corps of Engineers, with rank from November 23, 1920.

REAPPOINTMENT IN THE REGULAR ARMY.

Maj. Gen. Clarence Charles Williams, Chief of Ordnance, to be Chief of Ordnance, with the rank of major general, for the period of four years beginning July 16, 1922, with rank from July 16, 1918. His present appointment will expire July 15, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 6 (legislative day of April 20), 1922.

UNITED STATES ATTORNEYS.

William T. Carden to be United States attorney, District of Hawaii.

W. Sherman Ball to be United States attorney, western district of Kentucky.

UNITED STATES MARSHAL.

James C. Tyler to be United States marshal, southern district of Mississippi.

PROMOTIONS IN THE NAVY.

To be commanders.

Lewis D. Causey.

Charles S. McWhorter.

Guy E. Davis.

To be lieutenant commanders.

Robert H. Bennett.

Robert E. Bell.

John F. Donelson.

Webb Trammell.

Walter A. Riedel.

Lucien B. Green, 2d.

Sherwood Picking.

Wells E. Goodhue.

Joseph L. Nielson.

Joseph M. Blackwell.

George A. Rood.

Van Leer Kirkman, jr.

Philip R. Baker.

Eugene T. Oates.

George D. Murray.

Harry R. Gogusch.

Carroll Q. Wright, jr.

To be lieutenants.

Thomas C. Latimore.

Sidney B. Blaisdell.

To be lieutenants (junior grade).

Albert R. Staudt.

Robert M. Dorsey.

George W. Brashears, jr.

Edgar R. Winckler.

William H. Meyer.

To be ensign.

Myron F. Eddy.

To be dental surgeon.

John R. Barber.

To be passed assistant dental surgeons.

Andrew L. Burleigh.

Robert H. Fladeland.

To be chief gunners.

Charles B. Bradley.

James A. Featherston.

Jack K. Campbell.

John M. Buckley.

John M. Kirkpatrick.

To be chief machinists.

John E. Sullivan.

Robert J. Kingsmill.

Charles B. Shackelton.

Emery Smith.

To be assistant surgeon.

Malory A. Pittman.

MARINE CORPS.

To be first lieutenant.

Edward F. O'Day.

POSTMASTERS.

MICHIGAN.

Frank O. Parker, Alma.

Albert W. Lee, Britton.

MINNESOTA.

Dora N. Ruud, Granite Falls.

MISSOURI.

Charles H. Herriman, Bucklin.

OKLAHOMA.

Omer K. Benedict, Tulsa.

UTAH.

Beatrice E. Hemphill, Helper.